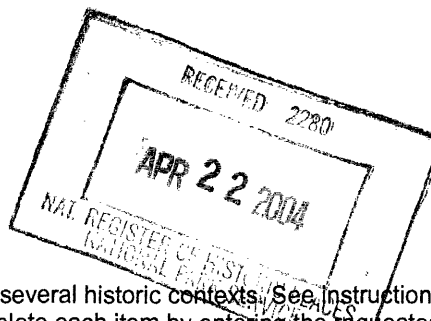


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National Register of Historic Places Multiple Property Documentation Form



This form is used for documenting multiple property groups relating to one or several historic contexts. See instructions in How to Complete the Multiple Property Documentation Form (National Register Bulletin 16B). Complete each item by entering the requested information. For additional space, use continuation sheets (Form 10-900-a). Use a typewriter, word processor, or computer to complete all items.

☒ New Submission ☐ Amended Submission

A. Name of Multiple Property Listing

The Civil Rights Movement in Birmingham, Alabama, 1933-1979

B. Associated Historic Contexts

(Name each associated historic context, identifying theme, geographical area, and chronological period for each.)

1. Institution Building for a Civil Rights Movement, 1933-1956
2. The Local Movement Becomes National: the Birmingham Civil Rights Movement, 1956-1964
3. Implementing the Civil Rights Movement in Birmingham, 1964-1979

C. Form Prepared by

Name/title Carroll Van West, Director, MTSU Center for Historic Preservation

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City or town Murfreesboro

state TN

zip code 37132

D. Certification

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this documentation form meets the National Register documentation standards and sets forth requirements for the listing of related properties consistent with the National Register criteria. This submission meets the procedural and professional requirements set forth in 36 CFR Part 60 and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. (____ See continuation sheet for additional comments.)

Carroll Van West
Signature and title of certifying official

April 14, 2004
Date

State or Federal agency and bureau

I hereby certify that this multiple property documentation form has been approved by the National Register as a basis for evaluating related properties for listing in the National Register.

Daniel J. Thi
Signature of the Keeper

6/8/04
Date

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Provide the following information on continuation sheets. Cite the letter and the title before each section of the narrative. Assign page numbers according to the instructions for continuation sheets in How to Complete the Multiple Property Documentation Form (National Register Bulletin 16B). Fill in page numbers for each section in the space below.

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- ☐ Other State Agency
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- ☐ Local Government
- ☐ University
- ☒ Other

Name of Repository: Birmingham Historical Society, Birmingham Civil Rights Institute, Linn-Henley Research Library, Birmingham

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Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

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E. STATEMENT OF HISTORIC CONTEXTS

Introduction

The courageous, determined pursuit of Civil Rights in Birmingham, Alabama, is an essential chapter in the twentieth century history of America. The streets, churches, public buildings, parks, and neighborhoods of this southern city served as a social, cultural, and political crucible where citizens and children, foot soldiers in the struggle, confronted their adversaries with non-violent direct action. For a brief yet significant period in the early 1960s, Birmingham Civil Rights leaders and citizens took center stage in the national fight for Civil Rights, taking a leadership role that galvanized national support for civil rights legislation as they also attracted world attention by their insistent challenge to the evils of a segregated society. The Civil Rights era of Birmingham, and the many extant places, buildings, and structures associated with that story, are essential components of our national heritage, providing physical testimony to the ability of the nation to finally meet its own credo of "all men are created equal."

Those who participated in the pivotal events of the middle decades of the twentieth century recognized the lasting, national significance of Birmingham. Birmingham's own Rev. Fred Shuttlesworth, a deeply religious Baptist minister who was the head of the Alabama Christian Movement for Human Rights (ACMHR) and the key leader of the Birmingham Civil Rights movement, told Dr. Martin Luther King, Jr., and fellow leaders of the Southern Christian Leadership Conference (SCLC): "Birmingham is where it's at, gentlemen. I assure you, if you come to Birmingham, we will not only gain prestige but really shake the country. If you win in Birmingham, as Birmingham goes,

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so goes the nation." Shuttlesworth later added: "We wanted confrontation, nonviolent confrontation, to see if it would work. Not just for Birmingham-for the nation. We were trying to launch a systematic, wholehearted battle against segregation which would set the pace for the nation." (1)

There are three significant periods in the history of the Civil Rights Movement in Birmingham. The first comes from 1933 to 1956, when the struggle focused on issues of human dignity, voting rights, access to better education, police brutality, and fair housing, and represented issues fought in the legal system and in the public spaces of Birmingham. The decision by Alabama officials in 1956 to outlaw the National Association for the Advancement of Colored People (NAACP) as a "foreign" corporation took the local movement into new directions with the creation of the Alabama Christian Movement for Human Rights, which was led by the dynamic Baptist minister Rev. Fred Shuttlesworth and was headquartered at his Bethel Baptist Church in Birmingham. The creation of the ACMHR in June 1956 marks the beginning of the second period, when the local movement for Civil Rights became a national movement, culminating in Birmingham's nationally significant role in 1963 and the passage of the Civil Rights Act of 1964. The final period, the implementation of civil rights in Birmingham, began with the passage of the national legislation in 1964 and continued until the election of the first African-American mayor of Birmingham, Richard Arrington, Jr., in 1979. Only then, when the fruits of the commitments and sacrifices of the 1960s were translated into political power and equal access, did the tumultuous decades of the Civil Rights Movement conclude in Birmingham.

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Context I. Institution Building for a Civil Rights Movement, 1933-1956

The Impact of the New Deal

The Great Depression and New Deal era witnessed a rise in Civil Rights activism across Alabama, and in Birmingham, and set the stage for the successful, and much broader-based, Civil Rights Movement of the 1950s and 1960s. The sad saga of the Scottsboro case, which occurred in a small north Alabama railroad town and brought about a series of cases in the 1930s, enraged many in Birmingham's African-American community. Famous African-American union activist Hosea Hudson and others in the International Labor Defense (ILD), which was associated with the American Communist Party, used the boys' plight, and the initial indifference of the NAACP to the Scottsboro case, to broaden the support in Birmingham for more Civil Rights activism. On October 2, 1932, the ILD held the All-Southern Scottsboro and Civil Rights Conference in Birmingham, at the Colored Masonic Temple on Fourth Avenue. By covering issues such as voting rights, segregation, freedom of assembly, abolition of chain gangs, and repeal of vagrancy laws, the Scottsboro and Civil Rights Conference was the first major Civil Rights gathering in the city during the Depression and marked the Colored Masonic Temple as a center for Civil Rights activism. (2)

After an all-white jury in Decatur, Alabama, found the Scottsboro boys guilty, a handful of whites together with at least 500 African Americans held a Birmingham rally at the downtown Congregational Church (not extant) in support of continued appeals on March 26, 1933. Speaking to the crowd were Dr. Ernest W. Taggart, a black dentist and the local NAACP chapter president; Birmingham Southern sociology professor Kenneth E. Barnhart and one of his students David Hutto; Rabbi Benjamin Goldstein of Temple Beth Or in Montgomery; and Dr. Henry M. Edmonds, of the

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prestigious Independent Presbyterian Church (a white church), who also was chair of the Alabama Interracial Commission. The mass meeting recommended that future appeals be held in Birmingham. For their public comments, both Barnhart and Rabbi Goldstein faced immediate hostility. Birmingham Southern terminated Barnhart and due to pressure both inside his congregation and from outside, Rabbi Goldstein left Montgomery by that May. Dr. Edmonds continued to serve his Highland Avenue church. (3)

Voting rights were another important initiative during the 1930s. The African-American business elite was represented through the Jefferson County Negro Democratic League (1936), led by black educator W. C. Patton and young attorney Arthur Shores, while a more broad-based working-class organization, the Right To Vote Club, was established by a labor-Civil Rights coalition that included the African-American labor leader Hosea Hudson and others associated with the International Labor Defense, American labor unions, and other political groups. Some of the meetings took place at the Jefferson County Courthouse, until officials learned that blacks and whites were meeting together. Then county officials demanded that blacks stay in the balcony and the whites remain on the main floor--or the group could find another place to meet. Progress was slow, but larger numbers of African Americans did register to vote. By 1940, many members of the Right To Vote Club had obtained the franchise; one count lists as many of 3,000 African Americans registered to vote in Jefferson County. Arthur Shores of Birmingham, at that time the only African-American attorney allowed to practice in the state, filed his first lawsuits for black voting rights (with Hudson as one of his first clients) during these years. Shores maintained his offices at Room 510 in the Colored Masonic Temple. Looking back at the New Deal years, Shores recalled that "[t]he

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participation of blacks in New Deal programs prompted black leaders to look increasingly toward the federal government for support.” Shores, often in partnership with the NAACP Legal Defense Fund, provided the primary legal tools for Civil Rights lawsuits for the next thirty years. (4)

A good example of the relationship between federal projects and new Civil Rights activism is the construction of Smithfield Court, a model public housing project funded in part by the New Deal's Public Works Administration (1935-1937). Building this large public housing project was important in creating new relationships between local Civil Rights activists and the federal government. To ensure that the project received fair treatment, and the types of facilities found at other PWA housing efforts, the local chapter of the NAACP created a special committee that went to Washington in late 1936 to meet with key New Dealers to demand that Smithfield Court have gas stoves and electric refrigerators, and an adequately sized and equipped community center. “The NAACP special committee spurred and redirected black activism in Birmingham,” concludes historian Christopher Scribner. “A petition drive [in support of an improved Smithfield Court] that ultimately amassed one thousand signatures broadened its community backing and helped spark the reorganization of the local office.” The reinvigorated NAACP reached approximately 800 members by 1939--the most ever before World War II. More importantly, Scribner emphasizes, the local NAACP “broadened its focus, targeting racial zoning and voting rights cases along with fights against police brutality and unfair prosecutions.” The local chapter included many middle-class professional leaders and was headed by executive secretary Emory O. Jackson, who was also the editor of the *Birmingham World*, the city's African-American newspaper. Jackson maintained his executive secretary office at Room 729 of the Colored Masonic Temple. (5)

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The Southern Conference for Human Welfare (SCHW) of 1938 was the key Civil Rights event of the New Deal era in Birmingham. According to Civil Rights writer Anne Braden, the Southern Conference was "based on a vision of a new and democratic South that would be built jointly by black and white people. SCHW was a New Deal organization that came together originally around issues of economic justice, but it soon had to deal with the issue of racial justice, so it became a pioneering force for civil rights." The conference involved many prominent national activists who learned first-hand of the attitudes white officials in Birmingham and Jefferson County held toward black civil rights. Playing a leading role in launching the conference was Birmingham resident Louise Charlton, U.S. Commissioner for Northern Alabama; Judge Charlton hosted the first organizing meeting, involving fifteen people, in the summer of 1938. A much larger meeting of over 100 citizens from seven southern states met in Birmingham in September 1938 to complete the conference's planning. (6)

On November 20, 1938, between 1,200 and 1,500 citizens from across the country attended the initial Southern Conference for Human Welfare. The conference held sessions in different venues across the city, with the most important venue being the Tutwiler Hotel (where Hosea Hudson recalled attending a session with Eleanor Roosevelt, the wife of President Franklin D. Roosevelt and a respected Civil Rights advocate in her own right). Sessions also took place at the Municipal (Boutwell) Auditorium.

City officials at first may not have realized that the Southern Conference would wish to hold integrated sessions, thus mixing African Americans and whites in a public setting and violating the city's strict segregation ordinances. As soon as word spread of the mixed audiences, city officials soon imposed segregation ordinances on the many notables in attendance. Eleanor Roosevelt was

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one of those who sat in integrated audiences. Police commissioner Eugene "Bull" Connor abruptly stopped integrated audiences at the Municipal Auditorium by tying a long white rope through the length of the auditorium and instructing police officers to make sure that all whites were on one side of the rope while blacks sat on the other side. Connor's rather crude tactic of physically dividing the building turned the conference attendees from their original broad considerations of race and class to focus more on the evils of segregation-a shift in emphasis that Connor and other city officials trumpeted as showing that the national meeting's real agenda was to integrate the South. On the other hand, Ku Klux Klan members charged that the attendees were communists and were engaging in interracial sex. (7)

Charges of communism and interracial sex directed at white and black activists became constant KKK cries over the next three decades. The white rope stunt at the Municipal Auditorium gave Connor his first national forum, and showed the white ruling class that its new police commissioner had no fear of upholding segregation codes, even if it upset the wife of the President. Events that fall had underscored the city's image as the South's most formidable bastion of segregation.

Yet, historian Linda Reed concludes that the Southern Conference for Human Welfare was a significant development for both Birmingham and the entire South. The conference was willing to "challenge the status quo concerning the status of blacks," Reed argues, adding that when conference members "spoke of a New South," they really meant "a racially and politically democratic South." The famous Swedish sociologist Gunnar Myrdal observed that "the real importance of this meeting was that here for the first time in the history of the region, since the era of the American

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Revolution, the lonely Southern liberals met in great numbers. . . joined by their colleagues in Washington; and that they, in this new and unique adventure, experienced a foretaste of the freedom and power which large-scale political organization and concerted action give." (8)

Birmingham's most important Civil Rights institutions of the pre-World War II era--the NAACP and the Southern Negro Youth Congress (SNYC)--embodied differences within the local middle-class African-American community. Support for the NAACP came largely from the middle-class professionals of the community. The members themselves targeted legal issues that they could challenge in federal court or with federal officials, where, they hoped, they would receive at least a fair hearing. SNYC, on the other hand, was rooted in more direct action, and confrontation if necessary. The Southern Negro Youth Congress was headquartered at the Rooms 526-528 of the Colored Masonic Temple from 1940 to 1948. It played an important role in civil rights activism not only in Birmingham but the South as a whole. Young and aggressive, the group mixed professional, middle, and working class activists in an African-American directed organization that differed markedly from the NAACP.

From its offices in the Masonic Temple, one writer has recently observed, "SNYC nurtured leadership qualities in dozens of young black Southerners" such as "Alabamians Ethel Lee Goodman, Herman Long, and Sallye Davis [the mother of Angela Davis]." The members "were interracialists, democratic Socialists, progressive reformers-and, in their own way, devoted Southerners too. More than they wanted to destroy the South or turn it over to outsiders, they wanted to make it a place that met the needs of all of its native people." Its leadership found itself the target of consistent police harassment. SNYC Director Louis Burnham during the war years, for example, was arrested and

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financed for eating with a white couple at a black restaurant in Birmingham. Because its presence in Birmingham spanned both the New Deal and post-World War II eras, SNYC was a key transitional organization from first era of civil rights activism to the later Alabama Christian Movement for Human Rights (ACMHR). (9)

The War Years

By 1941 various public works projects had improved the parks and recreational opportunities for whites in Birmingham, but little improvement had been directed at segregated black facilities. The Interdenominational Recreational Council, a group supported strongly by a coalition of African-American ministers and church congregations, petitioned the city commissioners to create equal and proper parks, playgrounds, and recreational centers in black neighborhoods. Hundreds signed these petitions, and various civic league chapters, such as the ones in South Elyton, Enon Ridge, and Zion City joined in support for neighborhood improvements. Despite the petitions, equally equipped parks were not in the offing for local blacks. (10)

During World War II the black professional class joined with whites pushing for the new University of Alabama Medical College in Birmingham to create another biracial committee, the Birmingham and Jefferson County Negro Hospital Association. African-American leaders involved in the hospital association included Arthur Shores, Bishop B. G. Shaw, Dr. H. H. Brewer, Dr. E. W. Taggart, Reverend Preston Davis, and H. D. Coke, the editor of *Birmingham World*, the black newspaper in the city. Several of these individuals also had been leaders in the earlier push for Smithfield Court. But, similar to the 1930s, change and opportunity in the mid-1940s proved difficult

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to achieve. According to the research of Christopher Scribner, the hospital association "represented the progressive edge of Birmingham race relations" since before the *Brown v. Board of Education* decision in 1954, "biracial committees could discuss how to improve the conditions for blacks without seeming to threaten the racial caste." In general, however, "interracial dialogue often outweighed action." Even whites committed to social welfare wanted to keep "control over organizations dedicated to black uplift." (11)

The research of historian Robin D. G. Kelley has emphasized that opposition to public segregation occupied the actions of the African-American working class in Birmingham during the war years. "Public spaces," Kelley notes, "were frequently the most embattled sites of black working-class opposition during World War II." Local African Americans, according to Kelley's research, found the public space dominated by the dominant class to be "vigilantly undemocratic and potentially dangerous. Jim Crow signs, filthy and inoperable public toilets, white police officers, racial epithets, [and] dark bodies standing in the aisles of half-empty busses, were daily visual and aural reminders of the semicolonial status black people occupied in the Jim Crow South." (12) Bus service became a battleground, in part because of wartime demands and the influx of larger number of black laborers, and black soldiers, on the city's streets.

This determined opposition to segregation in public spaces--involving hundreds of confrontations on the city's bus lines during the war years--was not new, but part of a deeper, yet forgotten, pattern in the city's race relations. As Kelley points out, historians have ignored these often-individual battles, yet these conflicts "created the conditions for the success of organized, collective movements" that would come in the late 1950s and early 1960s. (13)

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Veterans and the Right to Vote

Army soldiers often vocalized their discontent with segregated public spaces in wartime Birmingham. After 1945, returning veterans of World War II added a renewed demand for voting rights as well as more and better housing for both middle-class and working-class African Americans. Within months of the end of World War II, agitation for voting rights led to a demonstration march planned by the SNYC from the Colored Masonic Temple, through Woodrow Wilson (now Linn) Park to the Jefferson County Courthouse. In late January 1946, about 100 uniformed military veterans marched in double file to the courthouse to register to vote. County officials, nevertheless, rejected the majority of the applications. Group leaders, led by SNYC director Louis E. Burnham and prominent Baptist ministers Rev. J. L. Ware, and Rev. John W. Goodgame, then formed the Citizens' Veterans Committee and filed a lawsuit against the county. The committee also asked the Veterans Administration to assist its efforts to gain benefits from the newly approved G.I. Bill. A month later, in February 1946, 1,200 African Americans marched in protest of the police shooting of veteran Timothy Hood. (14)

Fighting Segregated Housing

The returning veterans also brought the issue of housing, and the lack of enough houses for blacks considering Birmingham's segregated housing codes, to the forefront. The Smithfield section of the city, Center Street, especially between Ninth through Eleventh Streets, became the source of conflict and combat between blacks who wanted to cross the line and acquire white houses and

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whites who wanted to keep blacks out of the neighborhood, no matter what. Birmingham's horrific era of domestic terrorism--where houses, churches, and other institutions were bombed by individuals typically associated with the Ku Klux Klan or similar hate groups--dates to August 18, 1947, when dynamite demolished the home of Sam Matthews at 1120 Eleventh Court North. Over the next eighteen years, at least fifty bombings took place in the city, representing domestic terrorism on a scale not equaled in any other American city in that era. These bombings took place, too many times, with the prior knowledge, at times even the active involvement, of the city police department and other city and county officials. Glenn Eskew has ably documented this period in his book *But for Birmingham*, and the discussion below relies on his work. (15)

The first violence directed at black housing in the Smithfield area took place in 1946 when Alice P. Allen bought a home just off of Center Street, on the "white" side of Eleventh Avenue, after the real estate broker and homeowner had found no whites interested in purchasing the property. Vigilantes broke the windows of Allen's dwelling and city officials refused to allow her to occupy the house. When Allen hired Arthur Shores to file suit against the city, however, officials changed the property's zoning from white to black, and then allowed Allen to move into the house.

Sam Matthews acquired land on Eleventh Court North in 1947 and built a six-room house, but again Birmingham officials pointed out that the house was in the "white" zone and refused to allow Matthews to occupy it. He hired Arthur Shores to file suit in federal court. On July 31, 1947, U.S. District Court Judge Clarence Mullins ruled that Birmingham's segregated housing ordinance was unconstitutional. Vigilantes immediately painted warnings on the house, and when that did not deter Matthews, whites blew up the house.

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In late 1948 both white and black realtors sold properties in the Center Street North area to blacks in sufficient numbers that by the spring of 1949, the vigilantes again struck back with dynamite. On March 25, 1949, three separate bombings destroyed the recently purchased (and formerly white-owned) home of Johnnie and Emily Madison and two other houses recently bought by African Methodist Episcopal Bishop S. L. Green. Three months later, the Reverend Milton Curry, Jr., discovered a bomb that failed to explode placed next to the chimney of his home at 1100 Center Street North. He gave the bomb to Arthur Shores, who reported it to the Federal Bureau of Investigation (FBI). The FBI had no interest in following up and told Shores to give the evidence to the Birmingham police. This is the first of several instances of where the FBI, either knowingly or not, helped local law enforcement to cover up domestic terrorism and violence directed at Civil Rights activists between 1949 and 1963.

In August 1949, Birmingham officials replaced the earlier ordinances mandating segregated housing zones with a new ordinance that, basically, accomplished the same goal by making it a misdemeanor for whites to move into black neighborhoods and vice versa. Former Alabama state senator James A. Simpson, an influential local attorney, prepared the new ordinance. He explained: "If you let the situation disintegrate and Negroes [sic] continue to infiltrate white areas and whites infiltrate Negro areas [this was not occurring at the time] so that your lines of demarcation become broken down, you are in for disorders and bloodshed and our ancient and excellent plan of life here in Alabama is gone." (16)

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Clearly this “ancient and excellent plan of life” meant to whites that blacks must “stay in their place” and accept segregated facilities. African Americans in Birmingham knew that racial barriers existed everywhere in the city. Edward Sanders recalled:

Growing up in Birmingham there was a fear while we were growing up as kids. And that fear was ‘you knew your place.’ There were some Whites that used to live right next to us in our community. You didn’t go on their ballpark to play ball, you didn’t go in their gym to shoot baskets. When you went in the store, you didn’t fraternize with those boys. It was always ‘you got to know your place.’ And, at the time they had the little boards on the buses, when you got on the bus, ‘White’ and ‘Colored’ on one sign. And you always sat behind that sign. You didn’t question it. You didn’t question the ‘White’ and ‘Colored’ water fountains. It was a lot of restrictions.

Sanders remembered that his parents warned him about vigilantes and the dangers of being in the wrong place at the wrong time.

We stayed together. We stayed in our little comfort zone. . . . And, you didn’t get out of it. If you went to the store and you see a White female walking down the street, you just go on the other side of the street, and that type of thing. That was the atmosphere that we grew up in. We walk by Ensley Park, where the swimming pool down there, going to I think it was McAlpine Park [Tuxedo Park is correct] to swim and be around a protective environment. You dare not stop at any of the White places. You just didn’t do that. (17)

Within days of the approval of the new segregated housing ordinance, vigilantes again attempted to dynamite newly acquired black homes on Center Street, but now a local black neighborhood watchdog group had formed to protect the properties. The citizens group took advantage of federal civil defense programs, initiated due to the Cold War scare of nuclear warfare, to create this organization of citizens who took regular turns walking the neighborhood at night—and stayed at this task to the mid-1960s. The increased level of protection did not end the bombing, but in several cases it meant that bombs were thrown from speeding cars where they blew up in yards. The local NAACP chapter demanded that the police protect the neighborhood, but received mere

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vague assurances in response and no arrests were made. Commissioner Bull Connor, in fact, commented that he had no interest in protecting the property of those blacks who moved across the line into white neighborhoods. On August 17, 1949, the largest mass protest by African Americans in Birmingham since the Great Depression took place at Smithfield Court, when an estimated 2,000 African Americans demanded an end to the terrorism and passed various resolutions, one in support of both the real estate sales and legal work of Arthur Shores, who in the next decade would also acquire a home on Center Street.

Shores played a pivotal role in the next significant housing test by Mary Means Monk, who in June 1949 had purchased a vacant lot at 950 Center Street, on the "white" side of the line. Monk began to have her new house constructed, but had to stop when Birmingham officials refused to conduct a required inspection. She hired Shores to file a federal lawsuit, which was later amended on September 29, 1949, to include other plaintiffs, including African-American businessman and civic leader, A. G. Gaston, who owned at least forty-seven lots in the disputed area. City officials, fearing the result of the lawsuit, attempted to convince whites in the area to agree to a rezoning of Center Street. But the white Graymont-College Hills Civic Association met at nearby Graymont School on November 1, 1949, and resolved that they were unanimously opposed to any change in the zoning of Center Street.

At the U. S. Courthouse and Federal Building (NR) on Fifth Avenue North in downtown Birmingham, in the case of *City of Birmingham v. Monk*, Judge Clarence Mullins declared Birmingham's segregated zoning ordinance to be unconstitutional on December 13, 1949. City attorneys filed an appeal to the federal appeals court in January 1950, and while the case was being

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readied, the local terrorists began dynamiting properties again. On April 12, 1950, a bomb destroyed the newly built home of African-American dentist Dr. Joel A. Boykin. On April 22, another bunch of dynamite destroyed a house at 1100 Center Street. The local white-owned daily newspapers finally spoke out in protest of the bombings and asked for quick police action, but none was forthcoming. But the media protest did stop the bombings for several months, until the U.S. Court of Appeals rendered its decision in *City of Birmingham v. Monk* on December 19, 1950. The court upheld Judge Mullins' earlier decision and stated that the Birmingham ordinance was unconstitutional. The following day, city officials allowed Mary Means Monk to move into her house, just in time for the holidays, but the next night the terrorists struck and blew up the house. As a new decade dawned, the violence directed at black property owners who tried to move into once all-white neighborhoods continued. Angela Davis, whose parents lived in an older Queen Anne-styled home near the top of Center Street, recalled "so common were the bombings on Dynamite Hill that the horror of them diminished." (18)

NAACP in Birmingham: First Steps Toward the Modern Civil Rights Movement

The early 1950s were a time of transition toward a more activist and aggressive Civil Rights Movement in Birmingham. "Originally a defense of black property rights, the postwar protest evolved from a request for segregated municipal services to a demand for desegregation," concludes historian Glenn Eskew. (19) One important example is the 1953 fight over the Southside project, which was a proposed city/private partnership for urban renewal designed to demolish older housing around the medical college (present day University of Alabama at Birmingham) with federal funds. The

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Southside project fight also reflected the housing crunch in Birmingham caused by the city's restrictive zoning. Led by the NAACP and Rev. John W. Goodgame, Jr., pastor of Sixth Avenue Baptist Church, black leaders complained that the project would displace a historic black neighborhood and leave the residents with no place to go. At a public meeting at City Hall on March 30, 1953, Rev. Goodgame pointed out: "We find ourselves hemmed in Birmingham unable to move right or left because of certain regulations and laws." The result of the African-American opposition was a lawsuit, first filed in county court and supported by the local NAACP chapter. Chapter president W. C. Patton, an insurance salesman, "viewed the medical center protest as a fight against segregation" and that his organization opposed "the elimination of Negroes from good areas and the extension and perpetuation of racial segregation." (20)

The local chapter's resolve gained strength from the fact that the national organization had located the NAACP's southeast regional office in Birmingham, at the Colored Masonic Temple, the previous year. (Patton, Shores, and the local NAACP were all located in the building.) The regional head of the NAACP was Ruby Hurley, a former national youth activities leader, who wanted to expand a rapidly declining membership and broaden the organization's appeal to working-class blacks. Hurley's first office was at Room 729 within the local chapter office of the NAACP at the Colored Masonic Temple. By the next year, however, Hurley and her small staff and volunteers operated from Room 624, (where they stayed until an injunction filed by the State of Alabama led to the office closing in 1956). Hurley's role from Birmingham was to coordinate and encourage more local activism in cities and communities throughout the former Confederate states. In 1953, Hurley planned to hold the southeast regional meeting in Birmingham and noted that the NAACP wanted to

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“eliminate segregation and discrimination in housing, recreation facilities, and places of accommodation’ as well as in jobs and voting rights.” Hurley also involved herself with local cases. For example, she concluded that the Southside plan was little more than “Negro clearance” and argued that “We understand the conditions are horrible and need to be cleared, but not so people will have to move to similar conditions in other areas.” (21)

The NAACP opposition yielded results. It organized a letter writing campaign and petition drive that caught the attention of federal housing bureaucrats, who delayed their approval of Birmingham's application and urged local officials to find a solution that provided some relief, and housing, for displaced African Americans. By August 1953, a deal between Oscar Adams, Jr., an attorney for several black property owners, and Hugh Denman, a city housing official, agreed that a new tract of land would be opened for a black neighborhood, that African-American law firms would be used for legal work, and that an African-American realty firm would be involved in the relocation process, and that the city would drop its initial plan to have a whites-only housing plan for the redeveloped area. (22)

The housing dispute of the summer of 1953 had also been inflamed by anger over the latest outrage of police brutality, the killing of David Garrett on June 14, 1953. Police brutality was a decades-old issue among the black community. Two years earlier, local members had convinced the national NAACP convention to demand a formal investigation by the U. S. Civil Rights Division. The continued black protest against police violence, combined with continued, but slow, progress in voter registration, indicates a key turning point in Civil Rights activism in the city. As Rev. Fred Shuttlesworth, the newly installed (1953) minister at Bethel Baptist Church, remarked, “The climate in

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Birmingham was such that people were focusing on matters like voting. We strived. There's a song that says, 'Each victory helps you some other victory to win.' So once you get in this, you begin thinking about other things that ought to be.'" (23)

Impact of Brown v. Board of Education (1954)

Despite the black voices in protest, police brutality continued into 1954; in fact the May 1954 decision of the U. S. Supreme Court in the landmark case of *Brown V. Board of Education*-which proclaimed the old Jim Crow credo of separate but equal to be unconstitutional--led to new incidents of public violence against African Americans. A week after the decision, for example, vigilantes attempted to bomb the house of dentist John W. Nixon. The recently created American States' Rights Association (formed in Birmingham in April 1954) stepped up its heated rhetoric about the dangers of integration. The group's major propagandist was Asa (Ace) Carter, who had a daily radio show on WILD in Birmingham. (The group later spurred the creation of Birmingham's first white citizens' councils during the winter of 1955-56, with the first council being created in Tarrant City.)

In December 1954, Rev. Dr. Guy McGowan, Rev. Dr. Stanley Frazer, and realtor and businessman Sidney W. Smyer met with a group of about 250 whites at Highlands Methodist Church to begin the creation of the organization titled the Association of Methodist Ministers and Laymen, which opposed the national Methodist church's call for support of the *Brown* decision. Smyer, elected president of this middle-class white supremacy organization, called for massive resistance to the court's ruling. Not all agreed with this splinter group within the Methodist Church. The Birmingham

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Methodist Ministers Association renounced Smyer's group, pointing out that resistance would only lead to more division and violence. (24)

While the *Brown* decision split the Birmingham whites, local African Americans praised the Supreme Court decision. "The Supreme Court decision made me personally feel as if I was a man," commented Rev. Shuttlesworth. "I had the same rights, my kids had the same rights as other folks." (25) Shuttlesworth and many other black leaders became increasingly frustrated with their condition in Birmingham in light of the Court's stance on segregation. By the beginning of 1955, African Americans began to push back. On January 16, 1955, a mass meeting at Sixteenth Street Baptist Church, organized by the NAACP, loudly protested police brutality following the police beating of Charles Patrick at the jail. A week later, Rev. Martin Luther King, Jr., the new minister at the Dexter Avenue Baptist Church in Montgomery, was the featured speaker at another gathering at Sixteenth Street Baptist Church. He told those in attendance that Birmingham blacks had to do something to end segregation--it would not just go away. Birmingham NAACP leader W. C. Patton seconded King's charge, and the new issue for most of 1955 was that Birmingham must hire its first African-American policemen (it was the only major southern city not to have, at least, token numbers of black policemen, and that remained true until 1963). From his pulpit at Bethel Baptist Church, and through working with the local NAACP chapter, Rev. Fred Shuttlesworth gained a citywide reputation among Birmingham blacks for leading the fight for African-American policemen. (26)

Then, in December 1955, came news out of Montgomery that activists there were planning a bus boycott. The segregation of public space on public transportation had long infuriated African Americans across the South, and had led to continual conflicts between Birmingham black workers

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and bus operators since the Great Depression. Shuttlesworth and several associates left Birmingham to support the Montgomery boycotters, and to find out more about the boycott, its goals, and its methods. The Reverends King and Shuttlesworth had met earlier in 1954, but the Montgomery boycott would bring them together as activist leaders in the Alabama Civil Rights movement.

In an address to the Birmingham NAACP on January 22, 1956, Rev. Shuttlesworth told of the exciting news from Montgomery, and then laid down a pointed challenge to the traditional black leadership in Birmingham: "Negroes are tired and fed up with their own leaders who rise to prominence and then do the Uncle Tom; yes, against those who use their positions for fame and personal aggrandizement. We don't need big shots. Negroes are tired of leaders who will take handouts, sops, and pats on their backs. What we need are men who seek not office, but service; men who will stand for the right." (27) Shuttlesworth did not name names, but many assumed that his critique was aimed at such white-acknowledged leaders as black businessman A. G. Gaston and Rev. J. L. Ware.

On February 1, 1956, Rev. Shuttlesworth offered more than words when he became personally involved in the attempt by Autherine Lucy (whom he had known as a classmate at Selma University) to enter the Graduate School of the University of Alabama. Earlier in October 1955, the United States Supreme Court in the decision *Lucy v. Adams* had ordered the University of Alabama to allow Lucy to register. Attorney Arthur Shores had filed the initial lawsuit and argued her case. When Lucy left Birmingham for Tuscaloosa, she met with Shores, Shuttlesworth, and Ruby Hurley of the NAACP southeast regional office at Shores's office in the Colored Masonic Temple.

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Shuttlesworth and Shores accompanied her to the university, where they were met with indifference, but her registration went smoothly. Two days later, however, violence broke out and this riot led the university to expel Lucy, allegedly for her own safety. Whereas many other southern colleges had already successfully admitted token numbers of black students without violence, such was not the case in Tuscaloosa where the threats of more violence led school and state administrators to keep Lucy out of the school. Clearly the violent reaction to Lucy's attempt was another indication of the extremism that characterized white reaction to the Civil Rights Movement in the state. (28)

On April 10, 1956, white terrorism against prominent African Americans occurred again in Birmingham when KKK members attacked black singer Nat King Cole, who was popular with white and black audiences, as he performed at a show at the Municipal Auditorium. Considering the rather benign threat represented by Cole, the attack indicated the extremism some Birmingham whites directed at any attempt at moderation, not to speak of integration, in race relations in the city. Whites who opposed desegregation became more aggressive politically as well. The White Citizens' Councils swelled in membership. State officials launched a legal offensive against the NAACP. In late May 1956, they convinced state circuit court judge Walter B. Jones to issue an injunction that enjoined the NAACP from operating in the state, claiming that the organization was a "foreign" corporation that had not filed appropriate papers with the secretary of state. Rev. Shuttlesworth, ironically, was holding a membership committee meeting at the NAACP offices in the Colored Masonic Temple when officials served the court papers forcing the organization to cease its activities. Segregationists viewed the legal outlawing of the NAACP as a brilliant maneuver, one that would slow, if not stop, the momentum towards integration in the state. However, by outlawing the NAACP,

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the state also had eliminated a comparatively conservative, temporizing voice in the black Civil Rights movement. The elimination of the NAACP occasioned the creation of a new lead civil rights organization, one that would be more broad-based, one grounded in the religious faith of African Americans across Birmingham, and one that would soon emerge as the most powerful voice for change in the history of race relations in the state (if not the nation). That organization would be the Alabama Christian Movement for Human Rights (ACMHR).

Summary: Civil Rights activities between 1933 and 1956 created a foundation for the better-known Civil Rights Movement of 1956 to 1964. Key issues were voting rights; housing and integrated neighborhoods; police brutality; and local compliance with federal laws and judicial rulings. Extreme, violent reactions, including the emergence of the "Bombingham" tradition of domestic terrorism, met many of these early attempts to gain equal rights. Several significant properties remain that may be associated with this earlier generation of Civil Rights activism. These extant properties include: the Colored Masonic Temple, (Boutwell) Municipal Auditorium, Birmingham City Hall, Jefferson County Courthouse, the U. S. Courthouse and Federal (now Vance Federal) Building, Sixteenth Street Baptist Church, Bethel Baptist Church, Smithfield Court, and the Center Street Historic District.

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**Context II. The Local Movement Becomes National: the Birmingham Civil Rights Movement,
1956-1964**

Creating the ACMHR and the SCLC

Rev. Fred Shuttlesworth, joined by a group of activist ministers who had already been working together on several issues, created the ACMHR in June 1956, within a week of the outlawing of the NAACP. An initial planning meeting took place at the Smith and Gaston Funeral Home (this building is razed; a modern building that is still extant was built in a new location in circa 1958). The *Birmingham News* of June 6, 1956, gave a long report of the organizing meeting held on June 5, 1956, at Sardis Baptist Church. Giving the attendance at about 1,000 people, the reporter wrote: "Negro ministers told the overflow crowd the new organization may provide leadership for Negroes over Alabama and possibly the entire South." He also quoted liberally from the remarks of Rev. Fred Shuttlesworth, who gave the primary address: "Our citizens are restive under the dismal yoke of segregation. . . . These are the days when men would like to kill hope, when men in Mississippi can be declared 'not guilty' (of murder), when men can be shot down on the steps of the courthouse. These are dark days. But hope is not dead. Hope is alive here tonight. . . . Would you be willing tonight for a white man to sit down beside you. . . . Then you believe in integration."

The creation of the ACMHR gave Civil Rights activism a younger and more aggressive voice. It also embraced the principles of non-violent confrontation from its earliest days. The ACMHR, however, is most important for how the organization injected a deep religious commitment to Civil Rights activism in Birmingham. The Movement, as it became known locally and eventually nationally, was grounded in religious faith, led by Rev. Shuttlesworth and the other ministers active in the

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ACMHR. In analyzing the relationship between faith and Civil Rights activism in Shuttlesworth, historian Andrew Manis also spoke to the same interplay between faith and activism held by most ACMHR-active ministers. "As a cultural heir of African American religious traditions," explained Manis,

Shuttlesworth shared a holistic religious philosophy that did not separate physical, social, or political needs from the spiritual. Whereas white southern evangelical Christianity has historically made such distinctions, black evangelicalism has not, partly because of its African legacy and partly in response to the American experience of slavery and segregation. Although he did not self-consciously think his way toward this 'black theology,' Shuttlesworth always saw his civic mindedness, and later his civil rights activism, as part of the prophetic role inherent in the pastoral office. Never expressing his understanding of the Christian gospel in sophisticated theological language, Shuttlesworth nonetheless holistically combined both spiritual and bodily concerns in his spirituality. (29)

The message of Shuttlesworth and the other ACMHR leaders was best conveyed through mass meetings, almost always held at supportive churches. Indeed, between 1956 and 1963, the ACMHR established a network of approximately sixty churches that either hosted meetings, or, if their buildings were too small to house the crowds that attended, the ministers and members of the congregations provided support and manpower for the various ACMHR boycotts and demonstrations. This network of churches, comprising just over 10 percent of the total number of black churches in Birmingham, was the basic infrastructure of the Civil Rights Movement in the city.

A mass meeting at Sardis Baptist Church began the organization in June 1956; seven months later, when the ACMHR decided on its first steps to confront segregation in public transportation, another mass meeting, with 1,500 in attendance, took place at New Hope Baptist Church (razed).

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The mass meetings were crucial to both speakers and attendees. Scores of interviews conducted by historians at the Birmingham Institute for Civil Rights attest to the power of the gatherings.

A mass meeting, emphasized John Gary, a World War II veteran who lived in the Smithfield neighborhood, "was a spiritual meeting. . . . we were talking about evils and what was going on, every mass meeting there was a sermon delivered from the Bible." Myrna Carter Jackson described the impact of the meetings "as a strange feeling coming over you. You would be completely out of control, not physically, but the part about being in the midst of those people and the interest they had and the seriousness and the dedication that they had, it would definitely have an effect on you." The musician Carleton Reese, the director and one of the founders of the famous Movement Choir, remarked:

all of us know the only thing that Black people have had to depend on is the church. So, the mass meeting is similar to a good church meeting, down home church meeting. Instructions were given in that church meeting as to what to do about certain issues that needed to be addressed about the struggle and what to do and this sort of thing. . . . It consisted of good gospel singing and good old time praying. Talking about what people used to do and how we can take those things we used to do and make some changes and make things better. It just consisted of a lot of preaching and singing. This was what the Movement was all about, and the bringing in togetherness of people. It was a thing that really brought people together. . . . The mass meeting was just like a good old Holy Ghost church meeting.

Gwendolyn Gamble, who was a teenager living in Titusville during the 1960s, said "A typical mass meeting was hearing shouting, singing, having a hallelujah time. Meeting, greeting, loving, caring and sharing. You get to see people and meet people that you didn't know. You found more people more concerned about each other. You knew that you would get to hear some great speakers because the nights that Dr. King was not available, we always heard Rev. Shuttlesworth or Rev. N. H. Smith. It

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was always somebody there to give us a message that we needed to hear and that we enjoyed listening to." (30)

Baptist minister, and University of Alabama-trained historian Rev. Dr. Wilson Fallin, Jr., takes all of the evidence to underline the significance of the mass meeting to the operations and success of the ACMHR:

These meetings were essentially African-American church worship services. The meetings began with a thirty-minute devotional service made up of prayers, spirituals, and meter hymns, following by singing by the ACMHR choir. The presider, usually ACMHR vice-president, the Reverend Edward Gardner, offered brief remarks. A local supporting pastor delivered a sermon. President Shuttlesworth then made some remarks and the ushers took up the offering. The meetings were very emotional with much shouting. For example, at the meeting of January 23, 1961, the Reverend Oscar Herron, a local pastor, preached. The result was that a dozen women became so emotional that ushers had to remove them from the church. Fellow ministers and ushers had to restrain Reverend Herron from continuing his sermon for fear that the meeting would break into pandemonium or a stampede.

At the meeting of April 17, 1961, in which there was unusual emotional fervor and shouting, Shuttlesworth had to remind the audience that this was not a church but a movement with business to take care of. The emotionalism of the mass meetings, as in an African-American church, provided not only emotional release but also the courage to fight the forces of segregation in a hostile environment. (31)

"In almost every way," Fallin emphasizes, "the ACMHR mirrored the African-American church and its culture" through its "charismatic figure in a pastoral mode" to its board of directors like a board of deacons to its method of raising money through offerings, bake sales, musical concerts, and other community events, to its powerful Movement Choir and the importance of music in the meetings, and especially to the devoted followers who believed in the leader's "divine calling and would show their esteem for his leadership by standing and applauding as he entered the mass meetings." Sociologist Aldon Morris agrees with Fallin on the importance of the churches: "the black church would become

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the institutional and cultural backbone of the civil rights movement. The strength and importance of a local movement were determined by the degree to which that community's churches became involved in the movement in terms of providing a mass of people willing to engage in protest, by providing the movement with leadership, finance, and the resolve to face danger and despite the possible consequences." Morris's analysis is a perfect description of how the ACMHR worked in Birmingham. (32)

The decision made at the December 24, 1956, mass meeting to launch a boycott of the city's bus lines effectively marked the beginning of the new era in Civil Rights activism in Birmingham. When terrorists on Christmas night bombed and destroyed the parsonage (which stood next to Bethel Baptist Church) of Rev. Fred Shuttlesworth--and Shuttlesworth emerged from the debris largely unharmed--his ascension to committed leadership of the Birmingham Civil Rights Movement also began, as did his following, many of whom to this day consider Shuttlesworth's repeated survival of terrorist attacks as a sign of his divinely ordained mission.

Shuttlesworth already had been praised for his courage in leading a fight to hire black policemen at City Hall in August 1956. His bravery in continuing to lead the bus protest, although he narrowly missed being blown to bits, gave new hope to the early supporters of the ACMHR. More than 250 African Americans participated in the first day of the bus rides on December 26, 1956. In early January 1957, Rev. Shuttlesworth attended a meeting in Atlanta that led to the formation of the Southern Christian Leadership Conference (SCLC). Civil Rights scholar Aldon Morris viewed the SCLC as the "decentralized political arm of the black church" as a "church-related protest organization." (33) It was here that Shuttlesworth began to work closely with such other significant

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leaders as Rev. King of Montgomery, Rev. Ralph Abernathy of Montgomery, Rev. C. K. Steele of Tallahassee, Rev. A. L. Davis of New Orleans, Rev. Samuel Williams of Atlanta, and Rev. Kelly Miller Smith of Nashville. His peers elected him as Secretary, an office he held from that day until 1969. Shuttlesworth later observed that the ministers based the new organization "on everything that happened in the past--Frederick Douglass, slaves, and Marcus Garvey; everybody who struggled for freedom and who were caught up in the same web. And we were giving it an upward thrust. Not that we sat down and said, 'Now let's give the movement an upward thrust.' No, we were meeting and matching our moment in history. That is what we sought. This was the need we saw." (34)

As the bus protest extended into the spring of 1957, the ACMHR gave public desegregation another "upward thrust" in March 1957. Rev. Shuttlesworth entered the downtown Terminal Station (not extant) to take a train to Atlanta in order to challenge the segregated waiting rooms of the terminal and segregated train travel. He was engaging in interstate travel and accordingly asserted that state laws and regulations could not supercede federal laws and regulations. He went to the terminal expecting to be arrested (a white mob was at the building), but the mob attacked instead a white supporter of Shuttlesworth named Lamar Weaver. Shuttlesworth and his wife boarded the train without incident. After returning, Reverends Shuttlesworth, Herman Stone, Abraham Woods, Jr., and T. L. Lane hosted a three-day workshop at their churches on the theme of "Social Change through Christian Love." Lola Hendricks, a secretary at the insurance firm of John Drew and, at evenings, the secretary of the ACMHR, and ACMHR activist Lucinda B. Robey were among the speakers. Since Ruby Hurley left the city after the closing of the NAACP in 1956, Hendricks and Robey would become two of the most significant women leaders in the Birmingham movement. Another speaker was

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Glenn E. Smiley, a devotee of Gandhian principles of non-violent protest, who began to teach ACMHR members about successful non-violence protest techniques. ACMHR members also trained in non-violent protest techniques at the Highlander Folk School in Monteagle, Tennessee. (35)

In May 1957, the ACMHR took its first steps toward involving the federal government in the Birmingham movement. On May 17, 1957, vigilantes placed dynamite outside of Temple Beth El, whose leaders had called for tolerance and acceptance of the *Brown* decision, but the bomb failed to explode. The ACMHR, along with five other black organizations, fired off a telegram to U. S. Attorney General Herbert Brownell demanding a federal investigation of that incident along with some twenty-one other recent bombings in the city.

Later that month, on May 17, Rev. Shuttlesworth participated in a national prayer pilgrimage in Washington, D. C., where he effectively testified to national black leaders what the black churches of Birmingham were going to accomplish:

But a new voice is arising all over now--the voice of the church of a living and ruling God, unafraid, uncompromising, and unceasing. Led by her ministers, she cries out that all men are brothers, and that justice and mercy must flow as the waters. The Negro Church is taking the lead, and thank God, some in the White Church are at least pleading for justice and reason. We have arisen to walk with destiny, and we shall march till victory is won. Not a victory for Negroes, but a victory for America, for right, for righteousness. No man can make us hate; and no men can make us afraid. We know that the struggle will be hard and costly; some of us indeed may die; but let our trials and death--if come they must--be one more sacred installment on this American heritage for freedom; and let History and they that come behind us, rejoice that we arose in strength, armed only with the weapon of Love, and stood where men stood, and removed from American society this cancerous infection of Segregation and 2nd class citizenship. (36)

The next month, the ACMHR began to align itself with white national civil rights groups when Rev. Shuttlesworth met with James A. Dombrowski, the executive director of the Southern

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Conference Educational Fund (SCEF), which had grew out of the earlier Southern Conference for Human Welfare. The SCEF--especially through the work of Carl and Anne Braden--proved to be a reliable way that local African Americans could get information about their activities into the national press. Shuttlesworth, for instance, in the 1960s gained a regular column, "A Southerner Speaks," in the black-published *New Pittsburgh Courier* newspaper, and the column was syndicated in many other black newspapers in the North.

First Attempts at School Desegregation

In September 1957, the ACMHR staged its boldest move yet, with an attempt to desegregate the city's public schools. Members targeted two high schools: Phillips High School and Woodlawn High School. The KKK responded with a senseless, brutal attack. A group of KKK members kidnapped Judge Edward Aaron and castrated him, as a warning to Shuttlesworth and other would-be school integrationists. This random act of violence even caught the attention of the Birmingham police, whose official, Tom Ellison, said of the crime: "sole motive was to find any Negro to castrate and to send him to the Rev. F. L. Shuttlesworth, Negro integration leader, with a message that this would happen to any Negro sending his child to a white school." The castration appalled a wide range of Birmingham residents; even Alabama's staunch segregationist governor, Jim Folsom, condemned the violence. (37)

Despite the horrific warning, on September 8, Shuttlesworth attempted to enroll his daughters at Phillips High School, on the same day that President Dwight Eisenhower signed a new federal Civil Rights Act of 1957. Reverend J. S. Phifer drove the car, which was met by an angry mob. The mob

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attacked Shuttlesworth, knifed his wife Ruby, and threatened to overturn the car carrying the Shuttlesworths before they drove away. Shuttlesworth was lucky not to be killed as no policemen intervened to stop the attack; once again ACMHR members saw the hand of God in Shuttlesworth's survival. His personal acts of courage reinforced his leadership of the Movement. On the next day the *Birmingham News* of September 9, 1957, published front-page stories on what happened at Phillips on the right side of the page while running stories of white resistance at Little Rock on the left side of the page. Indeed, events in Birmingham over the next couple of days played out in the context of similar events in Little Rock, where eventually federal troops were sent in to enforce the law, and in Nashville, where terrorists blew up a school rather than see desegregation proceed peacefully. According to the front-page story in the *News*, "We have looked into the Arkansas attempt at school integration pretty thoroughly,' [Alabama Attorney General John] Patterson said. 'The situation is very important to Alabama. The hand being played by Arkansas Gov. Faubus is a hand we in Alabama may have to play some day.'" (38)

On September 9, the *Birmingham News* also published a statement by Rev. Shuttlesworth, who observed that the Birmingham school board

met and embarked on a policy of negative evasion and now the superintendent proposes to continue this through 'routine' channels which (now) would be 'interviews, studies, tests, social factors, reports to the board, etc.' and in effect means 'never' without actually saying it [this is Shuttlesworth's reference to the 1955 School Placement Law]. . . . They need time; our children need schooling. We have now no alternative to presenting them for immediate enrollment. . . . From the start, official tone here, and elsewhere in the South, has been one of defiance of the United States Constitution and judicial process, and of utter contempt for any Negroes who would seek rights guaranteed by the United States Constitution. . . . neither official nor bloodthirsty riders can stop our quest for first class citizenship. This we seek by good will, if at all possible; by law if necessary." (39)

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Stymied by local education officials, Shuttlesworth turned to the federal courts and filed a lawsuit against the 1955 School Placement Law that became the case of *Shuttlesworth et al. v. Birmingham Board of Education*. With the new federal civil rights law in place, and the Shuttlesworth school desegregation case moving up the federal court system, soon the civil rights issues of Birmingham would reach the national stage, where they would remain for the next six years. Rev. Shuttlesworth again played a major role in this legal strategy. Compared to the NAACP and other major black civil rights organizations, which carefully selected legal test cases to bring before federal courts, Shuttlesworth decided to test many different cases against Jim Crow segregation in federal court--flooding the dockets, in a way, with a series of lawsuits that eventually led to several major Civil Rights decisions by the U. S. Supreme Court.

Officials of the highest rank in Washington had paid, were paying, and would continue to pay, close attention to Birmingham through events of the late 1950s and 1960s. During the Eisenhower administration federal intervention proceeded in two different cases. When in 1958 three prominent African-American ministers from Montgomery came to Birmingham to support the local ACMHR-led bus protest, Birmingham officials immediately arrested the ministers, outraging many, particularly the conservative black ministers of Birmingham who demanded intervention by federal authorities. By late fall 1958, the U.S. Attorney General William Rogers "announced that a federal grand jury would investigate the city's illegal arrest of the three Montgomery ministers." City officials, such as Bull Connor, scoffed at the promise of federal intervention. (40)

On November 24, 1958, the U. S. Supreme Court issued the first of several significant decisions involving the Civil Rights Movement in Birmingham. *Shuttlesworth et al. v. Birmingham*

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Board of Education (1958, 358 U.S. 101) challenged the 1955 Alabama law that first implemented the Court's ruling of *Brown v. Board of Education* (1954) and *Brown II* (1955) for school desegregation. In testing the constitutionality of the Alabama School Placement Law of 1955, the Court made its first significant decision about the rash of state laws that addressed desegregation after the decision of *Brown II*. In this case, it affirmed the ruling of the federal district court in Birmingham "upon the limited grounds" that Shuttlesworth's suit claiming discrimination could not be upheld because the law "was not invalid upon its face," and until the evidence proved otherwise, the Court could only presume "that it would be administered in a constitutional manner." The Court hesitated to strike down the Alabama law until actual discrimination was proven. As events unfolded over the next five years, however, it became apparent that the School Placement Law of 1955 was a legal subterfuge that on its surface promised integration but that in actuality it was designed to prevent public desegregation of the school system.

Also in the late summer of 1958, whites in Birmingham who wanted to keep segregation in place held larger and larger rallies. For example, in September 1958 Highlands Methodist Church hosted a pro-segregation rally, followed by another meeting in March 1959, with 1,800 in attendance, when the Methodist Laymen's Union, an aggressive pro-segregation group, was formed. The white reaction to Civil Rights activism caught the attention of *Time* magazine by the end of the year. In a story titled "Birmingham: Integration's Hottest Crucible," the magazine's writers noted the constant bombing and quoted Bull Connor as promising, "If the North keeps trying to cram this thing down our throats, there's going to be bloodshed." *Time* writers also reported about the psychological warfare

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waged by the KKK and the White Citizens' Councils against both blacks and whites, concluding that "the thing that makes such psychological warfare real is the threat of dynamite." (41)

1960-1961: The Years of the Sit-Ins and Freedom Riders

As in other southern cities, the next significant wave of Civil Rights activity came from students attending Birmingham colleges. To show support for the students conducting sit-ins in Greensboro, North Carolina, and Nashville, Tennessee, a group of Miles College students wanted to conduct its own sit-ins, but feared the reprisals that might come its way if the protests were viewed as too aggressive. Thus in February 1960, they turned Kelly Ingram Park, a poorly equipped city park in the heart of the downtown black neighborhood, into a space for Civil Rights by holding a prayer vigil there. Their peaceful demonstration attracted the attention of segregationists to Miles College and in April, the police went on campus to arrest alleged troublemakers and generally intimidate the campus community. This harassment also was inspired an April 12 story by Harrison E. Salisbury in the *New York Times* about the student movement and the overall bleak situation for Civil Rights in Birmingham. Salisbury's no-holds-barred indictment of the city--he called it a "community of fear" where "fear and terror are common in the streets"--outraged prominent members of the white community, who blamed the "Yankee outsider" for defaming the city. (42)

In 1961, the violence directed at the Freedom Riders, first at Birmingham's Trailways station (razed) and then, as the Riders attempted to resume with reinforcements including federal officials and students from Nashville, at the Greyhound station (extant), across the street from City Hall, projected the city into the national civil rights limelight, and made Birmingham an evolving concern of

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the administration of John F. Kennedy over the next three years. On May 16, 1961, Attorney General Robert F. Kennedy stayed in constant contact with Rev. Fred Shuttlesworth about the rapidly deteriorating situation for the Freedom Riders. For its part, the ACMHR protected the riders from further reprisals, keeping some at the homes of Bethel Baptist Church members. Shuttlesworth gave a heated address to a huge crowd at Bethel, who came to find out what happened and what steps should be taken next. By sticking with the riders, and assisting a new contingent from Nashville, led by Diane Nash, to take up the journey at the Greyhound bus terminal, Shuttlesworth furthered the reputation of the ACMHR as an institution that would not wilt in battle. (43)

Good thing too, since the federal government, despite the voiced concerns of the top administration, still wanted to avoid any type of federal-local showdown. In 1961-1962, according to historian Glenn Eskew, the Kennedy administration tried to keep federal involvement in civil rights to a minimum, not wanting to provoke the types of situations, like Little Rock, that caused political problems for the Eisenhower administration. "Hiding behind its concept of federalism, the Kennedy administration refused to defend American citizens from civil rights violations by individuals, cities, or states, preferring that local law enforcement protect them," Eskew concluded. "Burke Marshall, the assistant attorney general for civil rights, designed the Kennedy strategy that consisted largely of trying to persuade state and local officials to do their duty." Foreign policy considerations were another reason Kennedy was slow to react. According to historian Thomas Borstelmann, "the one way the civil rights movement could get the Kennedy administration's full attention was to clearly impact U. S. foreign relations." (44)

Birmingham officials, however, demonstrated in late 1961 that they were not up to doing what

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was right on the local level and thus spare the administration, and the nation, international embarrassment. When federal judge Hobart Grooms ordered the officials to desegregate Birmingham's public recreation system of parks and pools, they decided to close all facilities rather than comply with the judge's order. City officials held an open public meeting at City Hall on December 11, 1961, to gauge public reaction, and according to a story in the *Birmingham Post-Herald* of December 12, 1961, most in attendance felt like J. E. Faulkner: "Park integration is just a foot in the door. When they get their foot in the door, the next thing is schools. And before I would see my children go to an integrated school, I'd see them in Hades first." A week later, the newspaper on December 19, 1961, reported that Birmingham Mayor Art Hanes proudly proclaimed his resistance: "I want to announce here and now that the mayor of Birmingham and Commissioners Connor and Waggoner are not Summertime soldiers or sunshine patriots who talk principle in fighting the enemy when the enemy is far away, but fold and throw up the white flag upon meeting the enemy. The people of Birmingham will get the truth concerning this vicious integration movement, if radio and television time has to be bought and handbills distributed door-to-door."

1962-1963: The Selective Buying Campaign and Direct Action Comes to Birmingham

The Selective Buying Campaign (SBC) of 1962-1963 was the next major initiative of the strengthening alliance between students and the ACMHR in Birmingham. It became the true testing ground of the early movement and signaled that Civil Rights activists would not be mollified until public desegregation of downtown Birmingham came to fruition. The SBC dates to December 29, 1961, when 700 of Miles College's 800 students met and adopted the "This We Believe" statement: "We do not intend to wait complacently for those rights which are already legally and morally ours to

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be meted out to use one at a time. Today you will not sit by submissively while being denied all of the rights, privileges and joys of life.” (45). Frank Dukes was the leader of the group, and in January 1962 he organized a group of students into an Anti-Injustice Committee. The students wanted to launch a store boycott, targeting the downtown business district. Dr. Lucius Pitts, president of Miles College, intervened and instead arranged for a bi-racial meeting, including Sid Smyer, James A. Head, Lucius Pitts, students, A. G. Gaston, John Drew, Arthur Shores, Ernest W. Taggart, and Rev. J. L. Ware, to discuss demands of the committee. W. E. Shortridge, treasurer of ACMHR, attended, but not Rev. Fred Shuttlesworth, who was pointedly not invited to participate. When discussions did not go anywhere, students launched the selective buying campaign in March 15, 1962, with the support of Shuttlesworth and the ACHMR. (46)

Dukes was an older student who worked with three other students--U. W. Clemon, Shelley Millender, and Reuther Meredith as well as Dr. Lucius Pitts, Miles College president, and Dr. Jonathan McPherson of the faculty--to develop SBC. As the group started, it also met with Rev. Shuttlesworth at his parsonage next to Bethel Baptist Church to gain his support and also to discuss strategy with the veteran leader. The ACMHR provided consistent support for the boycott of white retail businesses, and its member ministers proclaimed the necessity of following the boycott to their congregations every Sunday. Dukes saw the value of the SBC as getting blacks in Birmingham ready for mass action. As Dukes related in his interview with Dr. Horace Huntley for the Birmingham Civil Rights Institute, the SBC set the stage for the later activism of 1963 in Birmingham. He remarked that on one hand “all that we got was the desegregation of water fountains and the restrooms,” on the other hand it created “unification of the Black community psychologically and

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philosophically and in terms of like the desegregation of stores." At the weekly ACMHR meetings, Dukes regularly reported on the SBC. ACMHR members also proved to be among the most dedicated "selective buyers" in the black community. (47)

Another contribution of the SBC, according to Rev. Dukes, was how the group reached out to middle-class black women, who had the means to do a significant amount of downtown shopping and who had the time and transportation to help move students. "The actual mechanics of SBC was conducted and operated by Miles College students and some of the Black leaders from the Birmingham community," Dukes told Dr. Huntley. "Folk like Deanie Drew and Ruth Barefield Pendleton, and Dr. [James] Montgomery's wife, Althea." These women "furnished transportation and Deenie Drew, as you know, looks like a White woman and she could go places and get stuff for us and go into the White Citizens Council meeting and stuff and get information and bring it back. Drew also held "big" meeting "of all the significant number of Black professional women" to urge them to stop shopping at major stores. (48)

Rev. Dukes also had vivid memories of the fruitless meetings that Dr. Pitts arranged with the white merchants and other white leaders. "When we first started meeting with those White power structure gentlemen at our first meetings," Dukes told Dr. Huntley, "they addressed us all as niggers and about the third meeting we became boys and about the fourth or fifth meeting we were on first name basis. And you have to have been under bondage to understand why that would stand out." Dukes's comments underscore the importance of personal pride and race identity as factors pushing Civil Rights activism--a theme that historian Robin D. G. Kelley saw as a key motivating force in the 1930s and 1940s. (49)

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The boycott of 1962 impacted the selected downtown merchants, but not to the point that white Birmingham was ready to throw out segregation. The primary targets were the major department stores and the large chain retailers, such as Loveman's, the Parisian, Sears, Woolworth's, Grant's, and S. H. Kress. But the SBC and ACMHR urged blacks to avoid shopping at any store that demeaned them or treated them in a second-class manner. In the wake of the SBC direct action, Shuttlesworth and the ACMHR prepared to raise the stakes for the visibility of the local Civil Rights Movement by hosting the city's first avowed integrated national Civil Rights meeting since the controversial Southern Conference on Human Welfare in 1938. Shuttlesworth invited the Southern Conference Educational Fund to join the SCLC and ACMHR in a joint conference on "Ways and Means to Integrate the South" in Birmingham on April 13-14, 1962. The prospect of holding such a meeting in Birmingham unnerved even dedicated activists such as Anne Braden and Herman H. Long, director of Fisk University's Race Relations Institute. Yet the white and black activists came, with most staying in the Gaston Motel. The conference began with a mass meeting at St. Paul United Methodist Church (extant) while individual workshop sessions took place in the Gaston Office Building. The meeting attracted many of the nation's most important leaders: Ella Baker of the Southern Regional YWCA, James Forman of Student Non-Violent Coordinating Committee (SNCC), W. P. Mitchell of the Tuskegee Civic Association, C. T. Vivian of the Chattanooga Council for Cooperative Action, and Carl Braden, SCEF field secretary. Police photographed those in attendance, but otherwise the meeting proceeded smoothly, becoming the largest integrated gathering in the city since 1938. Birmingham gave Civil Rights activists from across the nation a

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place not only to gather, but also to success the successes, and the needs, of the movement eight years after the Supreme Court's *Brown v. Board of Education* decision. (50)

In fact, Birmingham activists used the city's racial situation, and the ongoing boycott of selected retail businesses, as a platform to convince their colleagues that Birmingham was the right place, at the right time, for a major Civil Rights showdown. Shuttlesworth and other ACMHR leaders strongly urged their SCLC brethren to come to Birmingham for a direct action campaign. In late September 1962, the Southern Christian Leadership Conference held its annual meeting in Birmingham. The group held sessions at the L. R. Hall Auditorium of the Gaston Office Building. The city police carefully watched the members and intimidated locals who showed support, but there was only a single serious act of violence. That occurred in the Hall Auditorium within the Gaston Building, when a white vigilante slugged Dr. Martin Luther King, Jr., after King spoke to his colleagues; the white man was arrested. (51)

During the winter of 1962-1963, Shuttlesworth and the ACMHR continued to argue that the time was right, for both the ACMHR and the SCLC, to make Birmingham the focal point for the next major round of Civil Rights demonstrations. The ACMHR's resolve was strengthened by yet another bombing that targeted Bethel Baptist Church, the parsonage, and the James Revis House (the Guard House) on December 15, 1962. The bomb also damaged other nearby residences. Local leaders took the large bomb as a sure sign that the SBC and other non-violent protests were making their mark--that is, becoming a real perceived threat--in local race relations. Finally, in the spring SCLC leaders agreed that Birmingham was the right place to make a major offensive against public segregation. In a joint partnership with the ACMHR, they began planning the Birmingham offensive.

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The Spring of 1963 and Project C

The Birmingham demonstrations of the spring of 1963, planned in tandem by the ACMHR and SCLC, with significant involvement of the Congress of Racial Equality (CORE) and the Student Non-violent Coordinating Committee (SNCC), are what made the city synonymous with the American Civil Rights Movement. Once the demonstrations began in earnest in Birmingham in the spring of 1963, the rapidly escalating violence and terrorism directed at the Civil Rights activists, together with considerable national media coverage from major stories in *Life* magazine to network television news and even a large amount of international coverage, led the federal government to abandon its cautious strategy and embark on a much larger federal intervention.

These events are well chronicled in text and photographs in Marjorie White's *A Walk to Freedom* (pp. 48-68) and the following narrative follows that research as well as period newspaper accounts, oral interviews from the collections of the Birmingham Civil Rights Institute, and Eskew's contextual history of the Civil Rights era in Birmingham.

The public planning of Project C, as the Birmingham campaign was called by its organizers, began on April 1, 1963, with a large mass meeting at St. James Baptist Church, the first of a series of three meetings where demonstration leaders from the ACMHR, SCLC, and SNCC fired the audience up for the coming ordeal as they also explained the importance of a non-violent attitude and approach to the demonstrations. To announce their intentions and determination, the organizers, led by Rev. Shuttlesworth and Rev. Nelson H. Smith, Jr., of ACMHR and Rev. Wyatt T. Walker of the SCLC, proclaimed the Birmingham Manifesto. Printed in the *Birmingham World* of April 6, 1963, the

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manifesto declared: "The absence of justice and progress in Birmingham demands that we make a moral witness to give our community a chance to survive. We demonstrate our faith that we believe that the beloved community can come to Birmingham. . . . This is Birmingham's moment of truth in which every citizen can play his part in her larger destiny."

The opening salvo of Project C came on April 3, 1963, when Rev. Abraham Woods, Jr., and Rev. Calvin Woods led sit-in demonstrations at major downtown retailers: Woolworth's, Loveman's, Pizitz, S. H. Kress, and Britt's. Rather than serve the blacks, all of the store managers closed their lunch counters. But the demonstrators kept coming back and continued their peaceful demonstrations, tying up business in more stores as the week wore on. On April 6, 1963, Rev. Shuttlesworth, Rev. Charles Billups, Dr. King, Rev. Ralph Abernathy, Rev. Walker, and Dorothy Cotton of SNCC gathered a large crowd in the courtyard of the Gaston Motel to begin a march to City Hall where they hoped to petition the new mayor, Albert Boutwell, to end Birmingham's segregated ordinances. The marchers were stopped in front of the Federal Building, where they knelt in prayer before being arrested and carried away.

Stopping the march on City Hall did nothing to deter the demonstrators. On April 7, 1963, a much larger crowd estimated at one thousand gathered at St. Paul Methodist Church. The police mounted a barricade at Seventeenth Street and arrested many marchers for carrying out a "parade without a permit," using this legality to deny the demonstrators both their civil rights and their First Amendment rights of free speech and assembly. To further bolster the local government's hand, Alabama circuit court judge William Jenkins on April 10, 1963, issued an injunction against any further demonstrations, sit-ins, boycotts, or marches.

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In response, Rev. Shuttlesworth, Rev. Abernathy, and Dr. King left a meeting at the Gaston Motel on April 12, 1963, gathered a large crowd at nearby Sixth Avenue Zion Hill Baptist Church, and began the famous Good Friday March on City Hall. The police arrested fifty demonstrators, including Dr. King, who spent the next eight days in jail during which he and his colleagues composed the pivotal Civil Rights document, "Letter from a Birmingham Jail" in response to prominent white clergy who asked for a cessation of the demonstrations. On Easter Sunday, April 14, 1963, demonstrators began the "kneel-in" campaign where various ACMHR, SCLC, and SNCC members attempted to attend services at major downtown white churches. That afternoon, a group led by Reverends A. D. King, John Porter, Nelson Smith, and Frank Dukes attempted to march from Thirgood C. M. E. Church to the city jail but a police force led by Bull Connor used night sticks and billy clubs to break up the march.

During the next two weeks, the leaders of Project C were forced to admit that the campaign thus far had netted meager results, and was running out of steam within the African-American community. Thus, the leaders decided to step up the direct action campaign by calling upon the entire African-American community not only to fill the streets of Birmingham but also its jails and its entire legal system.

This second phase began on May 2--what organizers called D Day--when waves of children, teenagers, and adult leaders came out of the churches facing or nearby Kelly Ingram Park and headed into the public spaces, the streets, sidewalks, and parks of downtown Birmingham. Although the police manned several barricades, ten groups of demonstrators made their way to City Hall. The police arrested at least 700 and the jails began to fill.

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The next day, May 3, hundreds of more demonstrators gathered at the downtown black churches--an estimated 2,000 children, students, and adults--and again at mid-day they began to move down the streets, across Kelly Ingram Park, and headed toward their twin destinations of the government buildings surrounding Linn Park and the downtown retail area. Bull Connor, however, was prepared, and since the local jails were full, he decided to use brute force--bursts of high-pressured water from fire hoses, snarling attack dogs, and nightstick-swinging policemen and deputies--to stop the marchers in their tracks. In her June 1, 1995, interview with Dr. Horace Huntley of the Birmingham Civil Rights Institute, Audrey Faye Hendricks recalled "I didn't see anything wrong as a child to be able to march in a group to say I don't like what is going on and then you going to put a dog on me." Another of the children marchers, Gwendolyn Gamble, observed in her January 24, 1996 interview with Dr. Huntley: "We were at risk. It was no fun. Sure we got to meet people. I was young, but it still was no fun. I knew once that water hose hit me I didn't know if I was going to survive it or not, because the pressure from that hose was so great that it would actually knock your breath away."

Connor's gambit that the high-pressured water and snapping dogs would halt the demonstrations proved correct; the marchers scattered throughout downtown streets with only a few reaching their destinations. But the national media published photographs of the brutality and televised the children being twisted around, their clothing torn to bits by the power of the water. The images sickened a nation, and gained the Civil Rights Movement a visibility that it never had before both as an issue and cause that demanded solutions, now. When similar police tactics took place on May 4, the federal government continued to try to please both sides: it condemned both the

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excessive use of force and the aggressiveness of the demonstrators. Attorney General Robert Kennedy asked the Project C leaders to stop using children. President John F. Kennedy was sickened by the news coverage. Attorney General Kennedy sent Justice Department official Burke Marshall to Birmingham to negotiate an end to the conflict.

In the early evening hours of May 5, 1963, one of the most extraordinary moments in the Birmingham saga took place. Following a mass meeting at New Pilgrim Baptist Church, which stood only a few blocks away from the city jail where so many Movement members remained, demonstrators suddenly decided to march down the street to the jail and pray for their brothers and sisters. Connor massed policemen and firemen in front of the jail; the marchers, led by Rev. Charles Billups, stayed on the opposite side of the street in a small city park (extant). Ordered to disperse, the marchers instead knelt in prayer, sang freedom songs, and prayed again. This time, the firemen and policemen kept their hoses and dogs in place. Mamie Brown Mason, in her interview with Dr. Horace Huntley on June 2, 1995, recalled that Bull Conner "tried to get the firemen to turn the hose on us. This firemen refused to turn the hose on us and he told him, 'You turn it on yourself. I am not going to do that.' And he said, 'All these good people wanted to do is to march and pray.' He said, 'Let the good Reverend pray.' And we did. That was a time that we all rejoiced in seeing this fireman not do what Bull Conner was trying to demand him to do. He would not." To this day, Movement members consider the New Pilgrim to the Jail March as one of their major successes during the Project C demonstrations.

The student demonstrations continued on May 6, 1963, and by now city officials were using just about any public facility, including the 4-H Club Barracks at the state fairgrounds, to house those

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who were arrested. The following day, May 7, 1963, SNCC organizers James Forman and Dorothy Cotton instructed students to abandon their orderly line of march and to reach the downtown retail area and the city government area in many methods possible. Zigzagging across streets, alleys, and sidewalks, unprecedented numbers of demonstrators stopped the busy mid-day business traffic in downtown Birmingham. It was the most effective day of demonstrations in the spring campaign. However, Rev. Shuttlesworth was injured, requiring hospitalization, by a burst of high-pressed water that knocked him into the wall of Sixteenth Street Baptist Church.

On May 8, Dr. King, Burke Marshall, Sid Smyer, and various other city officials and business leaders negotiated a temporary moratorium to the demonstrations. Rev. Shuttlesworth strongly objected, but despite his heated protests, the movement toward an end to the demonstrations would not be slowed.

Dr. King's difference with Rev. Shuttlesworth on the need for negotiations and concessions reflected their different backgrounds, their difference in philosophy, and Dr. King's need for a victory and for a continuation of his relationship with the Kennedy administration. Birmingham had been an experience without parallel in his already dramatic career as a Civil Rights leader. Speaking to his home congregation of the Ebenezer Baptist Church in Atlanta in early May 1963, King said: "if we can crack Birmingham, I am convinced we can crack the South. Birmingham is a symbol of segregation for the entire South." (52) In his famous "Letter from a Birmingham Jail," King sharply criticized leading white ministers who had asked local black ministers to slow down the demonstrations: "I am in Birmingham because injustice is here," King wrote. "Injustice anywhere is a threat to justice everywhere." (53)

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A year later, King still insisted that Birmingham was the right place, at the right time. Writing about the leadership of the Southern Christian Leadership Conference, King observed that Birmingham taught them that the fight there "would be the toughest fight of their civil rights careers. They also believed that, if successful in Birmingham, they could break the back of segregation all over the nation. In a city that had become the country's chief symbol of racial intolerance, victory might well set forces in motion to change the entire course of the drive for freedom and justice." (54) As the SCLC's Rev. Ralph Abernathy exclaimed at St. James Baptist Church in Birmingham after the first major demonstration on April 3, 1963: "The eyes of the world are on Birmingham tonight. Bobby Kennedy is looking here at Birmingham, the United States Congress is looking at Birmingham. The Department of Justice is looking at Birmingham. Are you ready, are you ready to make the challenge? I have come with Martin Luther King to help lead you. I am ready to go to jail, are you?" (55)

Thus both Dr. King and Rev. Abernathy wanted, and the SCLC needed, a victory in Birmingham, and the sooner the better. However, the forces that had been turned loose on the streets of Birmingham would not be easily stilled, and their example of mass direct action fundamentally changed the direction of the national Civil Rights Movement. The drama had captured the nation's attention, drawing unprecedented concern to the issues of Civil Rights and the need for new federal legislation. As Rev. Edward Gardner, ACMHR vice-president, told a mass meeting at Sixteenth Street Baptist Church: "we got them in there from 6, 9, 10 and 12 years old and they want freedom. . . If they (the parents and grandparents) quit worrying so much and pray more, they would be better off We are not concerned about dogs and water. We are concerned about freedom."

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With such displays of defiance and courage, the city became a national spotlight in the Civil Rights Movement, spurring other actions across the country. On April 15, 1963, for example, fifty college students and ministers protested on the lawn of the Connecticut state capitol in Hartford in a prayer against the injustices happening in Birmingham. Five days later on April 20, 1963, the Congress of Racial Equality (CORE) organized demonstrations against the stores of national chains that had maintained segregated branches in Birmingham and thousands of volunteers picketed Kress, H.L. Green, J.J. Newberry, and Woolworth stores across the nation.

On May 4, 1963, Gunnar Myrdal, the Swedish social scientist who authored *An American Dilemma* (1944), the influential study on American race relations and the place of African Americans in the United States, told the press gathered for a Detroit conference on "The Negro in a Changing Society" that Birmingham proved to him that legal segregation would be dead in America within ten years. During that same week, U.S. Senator Jacob Javits of New York asserted that Birmingham proved that the nation was "close to a national emergency on civil rights." Jomo Kenyatta, the respected head of the Kenya African National Union, offered solidarity to the Birmingham demonstrators: "It is ironic that a country such as the United States, which claims to be a home of democracy, should show itself as a state where oppression and discrimination are rife." Kenyatta warned federal officials: "If the United States wishes to maintain the respect and goodwill of the people of Africa, it must stand firmly by the fundamental principles of freedom and equality enshrined in the Constitution." That same message also came from the chair of the United Nations special committee on the policies of apartheid, Ambassador Diallo Telli of Ghana, who expressed "deep concern in regard to the measures of racial discrimination of which the colored peoples living in the

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United States are the victims.” He added, “our interest in the racial struggle in the United States is fundamental, not tactical.” (56)

The pressure on the Kennedy administration to do something intensified, as the number of stories and images in national and international newspapers grew in numbers. The federal government finally played an active role in bringing to a resolution the climactic events in Birmingham. After his arrival on May 5, Burke Marshall and Joseph Dolan, top aide to deputy attorney general Nicholas Katzenbach, federal officials brought both sides to the table. Marshall called on SCLC leaders at the Gaston Motel and then met with downtown merchants in the first attempt to reach a settlement. Over the next five days, Marshall worked tirelessly to bring the May 10, 1963, Birmingham Agreement to fruition. In addition to the pressure from the U.S. Justice Department, Secretary of Treasury Douglas Dillon, Labor Secretary Willard Wirtz, Defense Secretary Robert McNamara, and Commerce Secretary Luther Hodges directly contacted Birmingham city officials and business leaders to lobby for a quick and fair settlement with the civil rights activists. The final negotiations occurred almost non-stop at the Center Street residence (razed) of John and Deanie Drew, primarily between Burke Marshall, business leaders, and Dr. King. The FBI even set up a mobile communications unit on the Drews' s property so communications could be maintained with the White House. President John F. Kennedy was particularly anxious to have a settlement by May 10, when he had scheduled a news conference.

The attempt to establish a moratorium on the street demonstrations and marches had angered the more aggressive leadership of the ACMHR. The Kennedy administration pushed the idea of the moratorium as a “cooling off” period in the negotiations. White leaders in Birmingham would stop the

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demonstrations, and their violent reaction to them, but in return they granted no meaningful changes in their commitment to public segregation. Rev. Shuttlesworth felt betrayed. By stopping the demonstrations without receiving nothing but promises in return he believed that the Movement might as well be given up. He scuttled this initial attempt to end the demonstrations, reminding King and Burke Marshall "I cannot compromise my principles and the principles that we established." King had canceled the joint statement but announced a demonstration moratorium, hoping that it would spur a quick settlement. In making these decisions, Glenn Eskew observed that King had

struck a deal instead of holding his ground, and therein lay the conflict between the local and national movements [of the Civil Rights Movement]. Whereas a difference in aims evolved during the demonstrations, a difference in methods existed throughout the campaign. The bitter scene between Shuttlesworth and King underscored the separate approaches to race reform. As a race man, Shuttlesworth unflinchingly faced the establishment and demanded Negro civil rights. As a member of the traditional Negro leadership class, King accommodated empty biracial negotiations that granted him prestige. (57)

When the moratorium led to little movement in the negotiations, Shuttlesworth threatened to resume the marches, and received a phone call from Attorney General Kennedy asking for his patience. On May 10, a truce between Birmingham officials and merchants and the Civil Rights leaders was announced, at segregated press conferences. The truce, although not fully accepted by Rev. Shuttlesworth and the leadership of the ACMHR, was presented at a press conference on May 10, 1963. The following day, the *Birmingham Post Herald* reported that Attorney General Kennedy believed that the lessons learned in Birmingham "can be used to solve future problems between whites and Negroes." The story then directly quoted Kennedy that the significance of the Birmingham agreement was "what it is going to mean for the rest of the country over the period of the next

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decade and the next 12 months really.” Shuttlesworth and other ACMHR leaders agreed. The spring demonstrations did not lead to all of the concessions they wanted-but white leaders had made concessions that were unimaginable a mere month earlier. Moreover, like Attorney General Kennedy, Shuttlesworth perceived the demonstrations as “a victory that eventually would have more impact on America than on Birmingham.” A later report by Harold Fleming to the Southern Regional Council in Atlanta supports Shuttlesworth’s conclusion. In the ten weeks after Birmingham, 758 demonstrations took place in 186 American cities, leading to the arrest of 14,733 citizens. (58)

That significance became brutally apparent that very day when terrorists bombed the Gaston Motel--in an attempt to assassinate Dr. King and other SCLC leaders--and also bombed the house of Rev. A. D. King of Ensley. The resulting riot on May 11 forced the federal government to play an even heavier role. President Kennedy ordered more than 3,000 army troops into Alabama. The army transferred soldiers from Fort Benning, Georgia, to Fort McClellan, outside of Anniston. Ten C-47 troop transports flew from Fort Bragg, North Carolina, to Maxwell Air Force Base outside of Montgomery. Kennedy took steps to federalize the Alabama National Guard and once again ordered Burke Marshall back to Birmingham to find a solution, and fast. President Kennedy told his advisers that if Birmingham truce failed, then he saw few options other than sending new Civil Rights legislation to Congress. (59)

By May 13, the Army detail at Birmingham, headed by General Creighton Abrams, had launched Operation Oak Tree, headed at the 2121 Building, also the headquarters for the FBI and Justice Department in Birmingham. The high-rise office building gave them a vista of the entire city

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center and nearby federal troops remained on alert. Ramsey Clark of the Justice Department was also there to monitor the situation for the White House. (60)

Over the next week, the Kennedy administration continued to pressure Birmingham leaders to agree to meaningful desegregation. The Kennedys summoned local business leader and realtor Sid Smyer to the White House to emphasize the seriousness of the matter and the willingness of the federal government to run the city of Birmingham to reach a solution. By May 16-17, 1963, Washington officials had given up on the local options, however, to concentrate on a new federal law that would call for public desegregation. On May 20, President Kennedy informed his cabinet that staff was developing a civil rights law. (61) In an interview with Anthony Lewis, Burke Marshall recalled that "‘Everybody’s mind was turned to the future and they thought this pattern of Birmingham had been established, that it would occur in many other places, and it did that summer.’ Heretofore the administration had not considered legislation as a solution to the racial crisis. Yet black and white people nationally and internationally pressured the president to respond. Marshall remembered, ‘Everyone concluded that the president had to act and . . . not only face this himself, but somehow bring the country to face this problem and resolve it.’" (62)

Giving further impetus to Kennedy’s decision to resolve the desegregation issue was the May 20, 1963, decisions of *Gober et al. v. City Birmingham* and *Shuttlesworth v. City of Birmingham* (1963, 373 U.S. 374) by the U. S. Supreme Court. The Court’s decision that day decided several cases from southern cities (such as *Peterson v. City of Greenville*) that involved situations where law abiding blacks had been arrested for lunch counter sit-in demonstrations. The court ruled that “when a State agency passes a law compelling persons to discriminate against other persons because of

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race, and the State's criminal processes are employed in a way which enforces the discrimination mandated by that law, such a palpable violation of the Fourteenth Amendment cannot be saved by attempting to separate the mental urges of the discriminators." In other words, no matter if the manager of a private business might act independently of the existence of a segregation ordinance, state and local laws that compelled individuals to discriminate because of race were unconstitutional. Furthermore, in the *Shuttlesworth* case, the Court ruled that it was unconstitutional to convict an individual (in this case Rev. Shuttlesworth and Rev. Charles Billups) for encouraging conduct [lunch counter sit-ins] that had been declared by state and local law as illegal but that could not meet the Fourteenth Amendment's constitutional standards. These decisions were precursors to the high court's later decisions in the *Heart of Atlanta* and *McClung* cases (see below). (63)

In Birmingham, Rev. Shuttlesworth and his ACMHR colleagues took a moment to look back and congratulate themselves on the accomplishments of the past few months. In his address to the annual meeting of the ACMHR, held at the Metropolitan AME Zion Church on June 5, 1963, Rev. Shuttlesworth observed: "Yes, my friends, the New Frontier is trying to catch up with the Negro frontier. Unless the President moves with dispatch, vigor and with a degree of dedication as that which was shown by Abraham Lincoln, Negroes will be demonstrating in every nook and cranny of the nation: north, east and west." Clearly, the movement culture created in Birmingham had provided the strength and endurance necessary for the spring demonstrations to achieve their modest local success and their more substantial national gains. Aldon Morris argued that the churches "were the power centers through which the Birmingham confrontation was organized and coordinated," an assessment consistently confirmed by later historians and the participants themselves. (64)

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On June 11, 1963, President Kennedy gave a major address to nation on the issue of Civil Rights before introducing what eventually became the Civil Rights Act of 1964 to Congress. "If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public; if he cannot send his children to the best public schools available; if he cannot vote for the public officials who represent him; if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place?" Kennedy asked. In asking Congress for new Civil Rights legislation, Kennedy concluded that "The events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them." As historian Thomas Borstelmann noted, "Kennedy knew he must act forcefully to head off escalation; he had to provide leadership to the nation by framing the issue, for the first time, in moral terms." From Paris, France, writer Max Lerner mused: "The news picture has become more decisive for the American image in the world than any other communication item. The picture of the Birmingham cops sitting on a Negro woman had a simplicity that defied any more complex explanation of the problem." "The smoldering fires of hate in Alabama," Lerner stressed, had not been extinguished, and unless they were, "the fires in Alabama will spread, incalculably, far." (65)

September 1963: Terrorism in the Wake of School Desegregation

In Birmingham, the reaction from the domestic terrorists who had long resorted to bombing, beatings, and gunfire to achieve their aims was delayed, until the local Civil Rights Movement turned to school desegregation in September 1963. Strong white protests, with Confederate battle flags

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waving, took place at Graymont Elementary, West End High School, and Ramsay High School. Once again, federal officials, from the White House to army commanders at Alabama bases, were involved. Then came the bombing of the Sixteenth Street Baptist Church on September 16, 1963, which killed four young girls. National, and international, outrage at Birmingham reached a crescendo. Respected southern journalist Ralph McGill wrote in the *Atlanta Constitution* of September 17, 1963: "extremists in high and low places-who inflame by word and example-have for a long time been sowing the seeds now come to harvest." Few were left in America who doubted that a strong stand for justice against terrorism must be made. On the Monday following the church bombing, Birmingham attorney Chuck Morgan angrily addressed the question of who was guilty of this outrage at a meeting of the Young Men's Business Club at the Redmont Hotel:

And who is really guilty? Each of us. Each citizen who has not consciously attempted to bring about peaceful compliance with the decisions of the Supreme Court of the United States, each citizen who has ever said 'they ought to kill that nigger,' every citizen who votes for the candidate with the bloody flag; every citizen and every school board member and school teacher and principal and businessman and judge and lawyer who has corrupted the minds of our youth; every person in this community who has in any way contributed during the past several years to the popularity of hatred is at least as guilty, or more so, than the demented fool who threw that bomb. . . . Birmingham is not a dying city. It is dead. (66)

The Significance of 1963 for Civil Rights in Birmingham, and the Nation

Recent scholarship has emphasized the national significance of the events in Birmingham during 1963 for the overall American Civil Rights Movement. Political scientist Bobby Wilson commented: "It was this new round of bouts for civil rights that placed Birmingham in the annals of civil rights history and helped to change the course of race relations and politics in the United States, a true postmodern moment." (67)

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Historian Glenn Eskew has summarized how the local melded into the national significance of the Civil Rights movement in Birmingham:

just as the children's crusade broke the stalemate in local race relations, so too it broke the stalemate on the national level as it forced the president and Congress to draft legislation that ended legal racial discrimination. Likewise, the Birmingham campaign transformed the Southern Christian Leadership Conference into a financially successful organization with a powerful strategy for social change and an internationally renowned leader. . . . In the tumultuous months following Birmingham, as civil rights protests rocked cities across America, it became clear to the Kennedy administration that legislation was necessary to achieve desegregation in the South. Consequently, the victory in Birmingham evolved into the Civil Rights Act of 1964, which opened the system to African Americans even in recalcitrant places such as the steel city. The SCLC rode the wave of international outrage over Birmingham, increasing its revenues tenfold and honing a new strategy of nonviolent coercion. The March of Washington was simply a celebration of the victory in Birmingham. The Reverend Dr. Martin Luther King's selection for the Nobel Peace Prize was an endorsement of nonviolence in the anticolonial struggle in Alabama and elsewhere in the world. (68)

In his study of the constitutional issues involved with the Civil Rights demonstrations of the 1960s, legal scholar David B. Oppenheimer observed:

On April 1, 1963, President John F. Kennedy stood firmly opposed to the introduction of a major civil rights bill. He believed that such a law would not pass, and that its debate by Congress could divide and destroy the Democratic Party. Seven weeks later, on May 20, 1963, Kennedy announced to his cabinet that he was directing the Department of Justice to draft a civil rights bill. Its introduction was announced to the American public on June 11, 1963. On July 2, 1964, in the wake of the President's assassination, that bill, the Civil Rights Act of 1964 was passed by Congress and signed into law by President Lyndon B. Johnson. The Act was probably the most important legislation enacted by the United States Congress in the twentieth century. What happened between April 1 and May 20, 1963 that so dramatically changed President Kennedy's assessment of the bill's chances? In a word-Birmingham. (69)

At a Birmingham symposium in 1998, Dr. Wyatt Tee Walker, former SCLC director and an organizer of the 1963 Birmingham demonstrations, emphasized: "Birmingham became the germ-

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center of a human rights struggle that would claim international attention and forever change the landscape of both social and political demographics of the entire South.” The symposium, along with the recent scholarly studies by Oppenheimer (1995), Eskew (1997), White (1998), Wilson (1999), Manis (1999), Bass (2001), Cortner (2001), and Thornton (2003) echo earlier assessments of Birmingham’s national significance to the Civil Rights movement. Aldon Morris’s *The Origins of the Civil Rights Movement* (1984), for example, concluded that “Not only did the SCLC accomplish its specific goals in Birmingham but it also accomplished its long-range goal by setting in motion hundreds of movements designed to destroy segregation and forced the national government to pass the 1964 Civil Rights Act, which legally prohibited racial segregation.” (70)

Sociologist Aldon Morris, in turn, reflected what white and blacks in Birmingham often observed: Birmingham mattered, and it mattered a lot. As Eddie James Sanders of Birmingham recalled, “The Birmingham Movement was a movement of togetherness. I’m speaking of its origin when I began in the latter part of ’62. We were more close together. We were a knit movement and it was involvement of everybody. We realized everybody couldn’t get out there and march, but we did have to have people back at the office. We had to have people get us out of jail. If everybody out there was marching and end up in jail there wouldn’t have been anybody to get us out of jail. But there was a role for all of us to play and we did that part.” According to a count by the ACMHR in 1964, the organization had spent for legal fees, court costs, and bonds some \$128,574 since 1956. Among its costs, the organization counted the legal fees and bonds of some 3,400 people who had gone to jail, in addition to the legal fees amassed by the multiple federal court challenges to Jim Crow segregation mounted by Rev. Shuttlesworth. (71)

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The Birmingham Movement soon became a model for other demonstrations across the country. The front page of the *Birmingham Post-Herald*, May 14, 1963, headlined: "Negroes Set off Clashes in Nashville: Birmingham Pattern Used In Demonstrations." The next day, the same newspaper, this time on page ten, reported in "Chicago Ills Blamed On Birmingham" that Chicago police chief O. W. Wilson said that recent violence in his city "was an outgrowth of the Birmingham situation. It wouldn't have happened a year ago." The SCLC's Birmingham blueprint, designed and carried out by local Movement members and then articulated in Wyatt Tee Walker's "How to Crack a Hard Core City," became its strategy for successes in St. Augustine in 1964, Selma in 1965, and Chicago in 1966. (72)

1964-1966: Impact of the Civil Rights Act and Voting Rights Act

The federal role in Birmingham's Civil Rights movement did not end in 1963, but continued through the end of the decade as Congress approved significant Civil Rights legislation and then as significant cases testing the constitutionality of those laws worked their way through the federal court system. On July 2, 1964, the new federal Civil Rights Act went into law. Birmingham Mayor Albert Boutwell commented: "However distasteful the Act is to many who are affected by it, and who regard it as unjust and unconstitutional, nonetheless the testing of its provisions, without significant disorder so far, demonstrates clearly the common sense and dedication to law and order of our citizens, white and Negro." By July 4, 1964, most restaurants and hotels had complied with the law, leading Rev. Shuttlesworth to point out the "end of Wallace's pledge of 'segregation today, segregation tomorrow, segregation forever'" had taken place in Birmingham. (73)

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But Ollie McClung, Sr., and his son Ollie, Jr., who operated the popular and successful Ollie's Barbeque (razed), on Seventh Avenue South in Birmingham, had no intentions of complying yet with the new law. The McClungs considered it to be unconstitutional, and when a black customer came to the restaurant to be seated for service, the owners refused, stating that the customer could have a take-out meal, but that he could not have a sit-down meal in the restaurant. The local white Restaurant Association and their attorneys had earlier targeted Ollie's as the city's best chance to challenge the constitutionality of the Civil Rights Act of 1964. Ollie's was far away from federal or interstate traffic; it conducted no advertising. Therefore, on the surface, the restaurant could make a case that it was not involved in interstate commerce, thus it was not subject to the new federal law, which relied on the Constitution's Commerce Clause for its enforcement power. On July 31, 1964, the McClungs and their attorney filed suit in federal court to obtain an injunction against the federal government prohibiting it from enforcing the civil rights law. (74)

On September 17, 1964, a three-judge federal district court in Birmingham agreed with the McClungs and ruled that the Civil Rights Act, as applied to Ollie's Barbeque, was unconstitutional. Speaking in Milwaukee, Wisconsin, Governor George Wallace commented: "I object and you object to the federal government telling a private businessman who he can and cannot serve. You more than any other people are going to be responsible for repealing the civil rights bill and the restoration of constitutional government." (75)

Despite the fact that the federal court had thrown out the Civil Right Act on rather narrow grounds, ruling that Ollie's Barbeque was so far removed from interstate commerce that forcing its compliance to federal law was unreasonable and a violation of property rights, Ollie McClung, Sr.,

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became "something of a hero in segregationist circles and a symbol of resistance to the Civil Rights Act." McClung, a lay Cumberland Presbyterian minister, was uncomfortable in such a role. He opposed the law for religious reasons more so than political or economic ones. In less than a week, however, Supreme Court Justice Hugo Black, acting in his official capacity as the circuit justice for the fifth federal court circuit, granted a stay in the execution of the restraining order placed by the District Court for the Northern District of Alabama. More importantly, he announced that, after consulting with his fellow justices, Black had received authorization to place the McClung case immediately before the entire Supreme Court, with arguments set for October 5, 1964, when the Court would hear a similar case, this one testing the application of the law to hotels and motels, titled *Heart of Atlanta Motel v. United States*. (76).

On December 14, 1964, the Court announced its verdicts in both cases, upholding the constitutionality of the Civil Rights Act of 1964. In the case of *Katzenbach, Acting Attorney General, et al. v. McClung et al.* (1964, 379 U.S. 294-299), the Supreme Court, on direct appeal by an 8-1 vote, reversed the federal court decision in Birmingham that had ruled the Civil Rights Act of 1964 as unconstitutional. The justices upheld the Congress's use of the interstate commerce clause of the U.S. Constitution to grant it authority to order the desegregation of businesses engaged in interstate commerce, in this test case specifically the part of the legislation aimed at the desegregation of restaurants. In *Katzenbach v. McClung*, the proprietors of Ollie's Barbeque in Birmingham had argued that their business was not engaged in interstate commerce, thus could not be subject to the Civil Rights Act. Writing for the majority, Justice Tom Clark wrote: "The power of Congress in this field is broad and sweeping; where it keeps within its sphere and violates no express constitutional

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limitation it has been the rule of this Court, going back almost to the founding days of the Republic, not to interfere. The Civil Rights Act of 1964, as here applied, we find to be plainly appropriate in the resolution of what Congress found to be a national commercial problem of the first magnitude. We find it in no violation of any express limitations of the Constitution and we therefore declare it valid.” (77)

Asked for his reactions to the decision, Ollie McClung commented: “It seems to me that the ownership and use of private property is basic to the American way of life, I’m sad that the U.S. Supreme Court didn’t see it our way.” (78) McClung wasn’t immediately sure if the family would comply with the ruling or close the restaurant but on the next day, December 15, the McClungs announced that “we will accept customers at our restaurant without regard to race or color.” and on the following day the restaurant served its first seated black customers. (79)

Reviewing the case and the Supreme Court decision in its December 19, 1964 edition, the *Birmingham News* remarked how the Civil Rights Movement had brought so many changes to the city. In this case, the newspaper observed, it was “rather strange still to think of the name of the proprietor [McClung] of Ollie’s Barbeque, long a Birmingham landmark, becoming identified with one of the major U. S. Supreme Court rulings of our times-yet it happened.” The newspaper’s editors were not rash in making that judgment. The *McClung v. Katzenbach* (1964) decision is a landmark in American constitutional law. Legal scholar Richard C. Cortner, who prepared a history of the case and its impact, concludes that “the decisions in the public accommodations cases also resulted in the desegregation of facilities of public accommodation throughout the nation and thus profoundly

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changed America forever.” The Supreme Court’s decisions, he adds, “produced one of the most significant advances in the right of equality during the civil rights era of the 1960s.” (80)

Civil Rights in the Courts, 1966-1970

Later in the decade came the crucial constitutional tests of the demonstrations and marches on the streets and sidewalks of Birmingham. “Long after the streets of Birmingham were quiet again, and after the Civil Rights Act of 1964 had been signed,” Oppenheimer points out, “the legal legitimacy of the Birmingham campaign finally reached the United States Supreme Court.” (81) The first major case was *Shuttlesworth v. City of Birmingham* (1965, 382 U.S., 87), where the U.S. Supreme Court reversed a decision of the Alabama Court of Appeals that upheld the conviction of Rev. Fred Shuttlesworth for obstructing free passage on a public sidewalk and for refusing to comply with a lawful order from the police. Writing for the majority, Justice Potter Stewart reversed the Alabama court because the city ordinance on blocking sidewalks was unconstitutionally broad while the ordinance requiring individuals to obey lawful orders from the police was clearly designed for the directing of vehicular traffic, therefore applying the ordinance to the demonstrators was a denial of due process under the Fourth Amendment.

Two years later, in the more legally significant case of *Walker et al. v. City of Birmingham* (1967, 388 U.S. 307), Justice Stewart spoke for a bitterly split court in a 5-4 decision. The majority held that Dr. Wyatt Tee Walker and others should have first asked the Alabama courts to rule that Birmingham’s parade ordinance was an unconstitutional abridgement of First Amendment rights rather than to wait and make that argument in their contempt of court hearing. Thus, the majority

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affirmed the convictions of Walker and the others, concluding that "one may sympathize with the petitioners' impatient commitment to their cause. But respect for judicial process is a small price to pay for the civilizing hand of law, which alone can give abiding meaning to constitutional freedom." Three justices filed heated dissents while Justice Abe Fortas joined in all three dissents. In his dissent, Chief Justice Earl Warren concluded: "There is only one apparent reason why the city sought this injunction and why the court issued it; to make it possible to punish petitioners for contempt rather than for violating the ordinance, and thus to immunize the unconstitutional statute and its unconstitutional application from any attack. I regret that this strategy has been so successful." The dissent of Justice Brennan asserted that the majority ruling had let "loose a devastatingly destructive weapon for suppression of cherished freedoms heretofore believed indispensable to maintenance of our free society."

One month after the announcement of the *Walker* decision in 1967, and days after Dr. Walker, Dr. King, and Rev. Ralph Abernathy returned to Birmingham to serve their short sentences of contempt of court, the Alabama Supreme Court, citing the *Walker* decision, reversed an earlier decision by the state appeals court and reinstated the guilty verdict of violating the City of Birmingham's parade ordinance against Rev. Shuttlesworth and approximately 1,500 demonstrators for their street demonstrations and parades in Birmingham in the spring of 1963. Suddenly, years after the fact Birmingham marchers faced the distinct possibility of jail sentences. On November 18, 1968, the U. S. Supreme Court heard oral arguments and on March 10, 1969, it announced its decision in *Shuttlesworth v. City of Birmingham* (1969, 394 U.S. 147). This time writing for a united court, Justice Stewart overturned the convictions, stating that "this ordinance as it was written,

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therefore, fell squarely within the ambit of the many decisions of this Court over the last 30 years, holding that a law subjecting the exercise of First Amendment freedoms to the prior restraint of a license, without narrow, objective, and definite standards to guide the licensing authority, is unconstitutional." But the Court made clear in the decision that the street demonstrations and marches in Birmingham were very much constitutionally protected exercises of basic First Amendment rights. "Even when the use of its public streets and sidewalks is involved," Justice Stewart concluded that "a municipality may not empower its licensing officials to roam essentially at will, dispensing or withholding permission to speak, assemble, picket, or parade, according to their own opinions regarding the potential effect of the activity in question." The last of the Birmingham Civil Rights cases decided by the U. S. Supreme Court had elevated the strategy of marching on the streets, from Kelly Ingram Park and its surrounding churches to the downtown business and government offices of Birmingham, as a protected First Amendment right.

Context III. Implementing the Civil Rights Movement in Birmingham, 1964-1979

As the constitutional issues involving the Civil Rights Movement made their way through federal courts, African Americans in Birmingham still faced an uphill battle in implementing the new Civil Rights Act of 1964 and later the Voting Rights Act of 1965. Historian J. Mills Thornton, III, concluded that "the patterns of events in the city [between 1963 and 1964] must call into question the significance of the 1963 demonstrations in shaping the course of Birmingham's history. Their influence upon the history of the United States is indisputable: they are almost solely responsible for moving the Kennedy administration to propose and endorse what became the Civil Rights Act of

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1964. But their influence upon Birmingham is more problematic." Rather, Thornton argues, it was an "alliance between the white business progressives and black moderates," an alliance that developed and shifted between 1964 and 1979 from a white-black alignment to a black-white alliance, "that truly shaped Birmingham's future. The share of power that Birmingham blacks did eventually achieve flowed in the end, therefore, not to the heirs of Shuttlesworth, but largely to the heirs of Arthur Shores and Lucius Pitts." (82)

Equal access to stores, lunch counters, public restrooms, and public accommodations were available, but gains in the political realm and work place came slow. By the fall of 1964, the Medical College of Alabama (today's University of Alabama at Birmingham or UAB) had invited black doctor James Montgomery to join the school staff while in December, the city council elected Wilbur Hollins, a black real estate broker, to the city planning commission. Hollins was "the first African American appointed to a city agency or independent board" in Birmingham. (83) These advances, however, were more than offset by the lingering practices of segregation in several city and county offices as well as continual problems with the police department. "Throughout the summer of 1964, several county judges enforced segregated seating in their courtrooms. The county jail remained segregated until the spring of 1966; only then did city hall make its first meaningful attempt to hire blacks," explains historian Christopher Scribner. "By the mid-1960s, Birmingham remained the only sizable southern city without African Americans on the police force, and officers continued to harass blacks" and mixed groups. For example, police felt compelled to interrupt a friendly soccer game among students and staff of the medical college in 1966-because the match mixed whites, blacks, and visiting doctors from Argentina. (84)

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In March 1965, attorney Oscar Adams, Jr., on behalf of the ACMHR, filed a federal lawsuit against the medical college, calling for the immediate desegregation of its hospitals and facilities. The suit brought about federal investigations and federal threats to end funding. Thus pushed, the medical college administrators acted quickly, having the facilities 100 percent desegregated by April 25, 1965. Also in 1965 blacks and whites created the Birmingham Area Committee for Development of Economic Opportunity, later reconstituted as the Jefferson County Committee for Economic Opportunity (JCCEO), headquartered today, symbolically, in the Graymont School, one of the first schools to be desegregated in 1963. In time, JCCEO created Neighborhood Advisory Councils, which Bobby Wilson describes as "a *modest* interracial forum for conducting citizen participation under the city's Workable Program. This progress was no small feat." (85)

At the courthouse, county officials moved at a rather slow pace in processing new African-American applications for voter registration, therefore at the urging of the ACMHR and the NAACP, President Lyndon B. Johnson in December 1965 sent federal registrars to Birmingham to speed up voter registration. Public demonstrations again took place in 1966, as blacks picketed Liberty Grocery Stores for discriminatory practices and conducted street demonstrations to demand an end to police brutality and to hire the city's first black policemen. In his tenth annual address to the ACMHR in 1966, Rev. Shuttlesworth praised the organization for its achievements but also reported that

I wish I could stand here tonight and report that the war on segregation and discrimination is over. I wish I could say that the broad Government Programs and enactments of recent "Rights" laws were the solution; and that the reluctant and sometimes begrudging moves by certain State and Local Officials signal the end to our problems. No, my friends, we've only laid a foundation for progress; now we must build on it. We learned more than 10 years ago that people who would be free must take the

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first step; we know tonight that we must keep on stepping to make the full journey. Laws have meaning only when living men enforce them and most men in our Society must be pushed or pressured into doing their duty. Southern Officials have long established a record of going forward no faster than they are slowly pushed, and smiling faces have often been used to cover up treachery within their hearts. (86)

Blacks Gain Political Power

In 1967, the city council appointed attorney Arthur Shores to fill a vacated seat-the first African-American to serve on the city council-and when the seat came up for re-election, enough African Americans had registered that Shores won a full term in office in 1968. That year, however, was when white leaders in Birmingham learned that change had to be more than mere tokenism. Eager for federal monies through the Model Cities Program (approved by Congress in 1966), Birmingham officials applied for designation with the Department of Housing and Urban Development (HUD). In November 1968, however, HUD officials, who had been repeatedly informed by Civil Rights activists and the NAACP throughout the summer about the city's still laggard approach to desegregation, rejected the Birmingham application. HUD officials feared that blacks would not be represented fully and not enough power lay with the affected neighborhoods, most of whom were African American. By losing out on considerable federal monies, the city learned the hard way that black representation--at least to federal grant agencies--meant more than mere tokenism. (87)

To remedy this problem, city officials and leading businessmen began to craft a new public-private institution that could possibly span the differences between whites and blacks. In 1969 they chose to expand the focus of the Community Affairs Committee of Operation New Birmingham (ONB). Operation New Birmingham was a comprehensive public/private urban venture, aimed at making the city more attractive to investment and at improving the living conditions of its citizens in a

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time when the city's economic structure was shifting from an industrial economy to one more based in the service sector. Part of the change facing ONB leaders was changing demographics, as middle-class residents and elites left the city for suburbs surrounding the historic city and the inner city became more African-American in composition. Partly due to the shifting demographics, the city council gained its second black member in 1971, when Richard Arrington, Jr., a biology professor at Miles College, was elected to the council. (88)

In that same year, Rev. Fred Shuttlesworth returned to Birmingham and produced a story for *Ebony* magazine on the fifteen years of changes in the city since the creation of the ACMHR in 1956. Shuttlesworth zeroed in on ONB, and the promise it held for whites and blacks. Photographs showed Shuttlesworth visiting with white and black students at Phillips High School and in meetings with Birmingham Mayor George Seibels and publisher Vincent Townsend, who served as ONB chairman. He also met with prominent black leaders, like Dr. Lucius Pitts at Miles College and Clyde Kirby, the first black elected to the city school board. The story was cautiously optimistic: "Birmingham is not the 'ham it used to be.' This remark came recently as I returned to the city and walked the streets, searching to find out if people thought Birmingham had changed and why. 'Things are not perfect yet, and we have a long way to go, but we have come a long way from what we used to be.' From the corner at Newberry's, a department store [now the site of the Omni Max Theater], where the police once arrested me, this comment was typical of the things said about Birmingham." (89)

By the mid-1970s planners were envisioning a new model of community development. The federal Housing and Community Development Act of 1974 required citizen participation and opened

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the door for neighborhood groups to obtain true power and significance. "As a result of this dialogue between planners and the black neighborhoods," explained Bobby Wilson, "Birmingham, which had a history of denying the rights of its black citizens, community, developed a comprehensive neighborhood-based program that incorporated many recommendations made by black citizens" and led to Operation New Birmingham concentrating its efforts on the commercial core and the creation of one of the nation's most thorough neighborhood-focused citizen participation systems. In 2002 Citizens' Advisory Boards functioned in 99 neighborhoods, training leaders and arguing for neighborhood needs and funds. (90)

The Continued Issue of Police Brutality and the Election of Arrington

Another reason Shuttlesworth remained cautious about Birmingham's alleged new commitment to Civil Rights was the continued problem of police brutality, even after the department hired its first African-American officers in the mid- to late 1960s. The primary race issue of the 1970s focused on police brutality. In 1972, after the police killed Willis Chambers, Jr., newly elected councilman Richard Arrington, Jr., and Rev. T. M. McKinney of the ACMHR joined forces to attack police brutality as Arrington worked inside the system and McKinney led street demonstrations. The Black Youth Caucus, led by Walter E. Jackson of Miles College, also demanded that city officials suspend the policemen involved until all investigations were over. Arrington personally implored Birmingham Mayor George Seibels to discipline the police. (91)

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The failure of the traditional middle-class black leadership to take the problem seriously--or to just shrug their shoulders saying that things were so much better than the 1960s--frustrated Arrington.

He remarked:

The failure of so-called black leaders in this community to speak out about police brutality simply reconfirms my belief that there is really no such thing as black leaders in this community--they are people who are used by the white power structure in this community who take an ego trip because they are called upon by some powerful white citizens to fit black folk into an agenda that has been set up by the white community, particularly the business structure here. (92)

Conflicts over and allegations of police abuse from the 1950s and 1960s resurfaced and received national attention when KKK member Robert Chambliss faced murder charges for the bombing of Sixteenth Street Baptist Church in 1963. Birmingham blacks were not surprised--but many others were outraged--as the trial unveiled the police duplicity and involvement in the bombings of homes and churches that had so damaged the city. The Chambliss trial entered many new facts about how city and state officials reacted to the activism of the 1950s and 1960s and reopened old distrusts between the races. (93)

Then came the pivotal event of 1979--the protests that surrounded the police shooting of Bonita Carter--which was the catalyst that led to Arrington's election as Birmingham mayor in the fall of 1979. The election of a black man as Birmingham mayor was a landmark, not only in the city's political history but in that of Alabama as well. The Carter incident took place at a 7-11 Convenience store on 4500 Tenth Avenue North (extant) on June 22, 1979. Arriving after a call about a dispute and fight at the market, policemen overreacted to the situation and, for reasons that remain cloudy today, one officer shot Carter who was sitting in a vehicle outside the store. She was an innocent

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bystander. In response to the shooting, a near riot ensued, until a group of leaders, including Arrington and Rev. Tony Cooper, cooled down the crowd.

The facts about what happened at the market immediately became points of arguments between city officials and members of the local black community. In the days that followed, Rev. Abraham Woods and Rev. Edward Gardner of the ACMHR, who had been stalwart leaders a generation earlier, gathered other local black ministers and held "a series of meetings to discuss protest strategy and to coordinate citywide activities" to demand justice and an end to police brutality. Once again, these meetings took place at Birmingham's Civil Rights churches, underscoring their significance historic roles as the foundation of the Birmingham Movement. (94)

African-American outrage over Bonita Carter's death and the subsequent election of Richard Arrington as mayor marked 1979 as the end of one era and the beginning of another in Birmingham. Another event of 1979 (a coincidence it seems) also indicates that the Civil Rights era of the Magic City had passed. A. G. Gaston, the patriarch of the traditional black elite in Birmingham, took the first steps to make Kelly Ingram Park a memorial landscape for black history by erecting monuments to an earlier generation of black professionals and teachers who had inspired his career.

Endnotes

1. Shuttlesworth's first quote cited in Andrew M. Manis, *A Fire You Can't Put Out: The Civil Rights Life of Birmingham's Reverend Fred Shuttlesworth* (Tuscaloosa: University of Alabama Press, 1999), 321; Shuttlesworth's second quote from Aldon D. Morris, *The Origins of the Civil Rights Movement* (New York: Free Press, 1984), 251.
2. Dan T. Carter, *Scottsboro: A Tragedy of the American South* (New York: Oxford University Press, 1969), 151-153; Carroll Van West, "Perpetuating the Myth of America: Scottsboro and Its Interpreters," *South Atlantic Quarterly* 90(Winter 1981): 40-41; Robin D. G. Kelley, *Hammer and Hoe:*

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Alabama Communists during the Great Depression (Chapel Hill: University of North Carolina Press, 1990) and *Race Rebels: Culture, Politics, and the Black Working Class* (New York: Free Press, 1994).

3. Carter, 254-255, 258-259; *Birmingham Age-Herald*, March 27, 1933.

4. Glenn T. Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill: University of North Carolina Press, 1998), 76-77; Also see Hosea Hudson, *Black Worker in the Deep South* (New York, 1972), 96-98; Nell I. Painter, "Hosea Hudson and the Progressive Party in Birmingham," Merle Black and John S. Reed., eds., *Perspectives on the American South*, vol. 1 (New York, 1981); Shores is quoted in Christopher M. Scribner, *Renewing Birmingham: Federal Funding and the Promise of Change, 1929-1979* (Athens: University of Georgia Press, 2002), 23.

5. Scribner, 22-23. For the impact of Smithfield Court in general, see pp. 6-32.

6. Anne Braden, *The Wall Between, with a new Epilogue* (Knoxville: University of Tennessee Press, 1999), 322. An early comprehensive study of the conference is Thomas A. Krueger, *And Promises to Keep: The Southern Conference for Human Welfare* (Nashville: Vanderbilt University Press, 1967); a later and more contextual effort is Linda Reed, *Simple Decency and Common Sense: The Southern Conference Movement, 1938-1963* (Bloomington: Indiana University Press, 1991), 11-12. Also see Morton Sosna, *In Search of the Silent South: Southern Liberals and the Race Issue* (New York, 1977).

7. Reed, 12-19; For Connor's role and motivation throughout the Civil Rights era, see William A. Nunnolley, *Bull Connor* (Tuscaloosa: University of Alabama Press, 1991). For the Klan's role, Glenn Feldman, *Politics, Society, and the Klan in Alabama, 1915-1949* (Tuscaloosa: University of Alabama Press, 1999), 274.

8. Reed, 19; Myrdal cited in *ibid.*, 49-50.

9. John Egerton, *Speak Now Against the Day: The Generation before the Civil Rights Movement in the South* (New York: Knopf, 1994), 458-459; Reed, 93-94.

10. Eskew, 75.

11. Scribner, 41.

12. Kelley, *Race Radicals*, 55 and 56.

13. *Ibid.*, 56.

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14. Eskew, 70-71.
15. This section of the narrative on residential segregation and the Center Street area bombings relies on the authoritative account in Eskew, 53-69.
16. Simpson is quoted in Eskew, 62.
17. Edward Sanders interview, 5/29/96 with Horace Huntley, at Birmingham Civil Rights Institute, BCRI Archives, 19-20.
18. Davis is quoted in Eskew, 83.
19. Eskew, 82.
20. Scribner, 59 (first quote), 61 (second quote).
21. Scribner, 62 (first quote), 63 (second quote).
22. Ibid., 63.
23. Eskew, 92-96; Shuttlesworth's quote in Manis, 78.
24. Ibid., 106-113.
25. Shuttlesworth's quote in Manis, 79.
26. Manis, 81-83; Eskew, 124.
27. Shuttlesworth's address was quoted in *Birmingham World*, January 27, 1956.
28. Manis, 89-90; also see Diane McWhorter, *Carry Me Home: Birmingham, Alabama: The Climatic Battle of the Civil Rights Revolution* (New York, 2001), 99.
29. Manis, 76.
30. John Gary interview, July 3, 1996, with Dr. Horace Huntley at BCRI, BCRI Archives Division, p. 10; Myrna Carter Jackson interview, 11/3/1995, with Binnie Myles at Miles College, BCRI Archives, p. 7; Carleton Reese interview, with Horace Huntley, 5/6/96 at Miles College, BCRI Archives, 14; Gwendolyn Gamble interview, January 24, 1996, with Dr. Horace Huntley at Miles College, BCRI Archives, p. 8.

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31. Wilson Fallin, Jr., "Rock Solid Faith: African American Church Life and Culture in 1956 Birmingham," White and Manis, eds., *Birmingham Revolutionaries*, 15-16; Aldon D. Morris, "Sustaining the Fight: The Importance of Local Movements," *ibid.*, 22-23.
32. *Ibid.*, 13-14. For more on the June 5, 1956 meeting that started the ACMHR and the significant pastors involved in the organization from the beginning, see Marjorie L. White, *A Walk to Freedom: the Reverend Fred Shuttlesworth and the Alabama Christian Movement for Human Rights, 1956-1964* (Birmingham: Birmingham Historical Society, 1998), 2-9.
33. Morris, 87.
34. *Ibid.*, 88.
35. Manis, 125-130; Eskew, 135-136.
36. Manis, 138-140; Shuttlesworth's quote from White, *A Walk to Freedom*, 12.
37. Birmingham News, September 9, 1957; Eskew, 115, McWhorter, 124-126, 304-305.
38. Birmingham News, September 9, 1957, p. 1.
39. *Ibid.*, p. 4.
40. Eskew, 145.
41. *Ibid.*, 109, 111-112; "Birmingham: Integration's Hottest Crucible," *Time*, December 15, 1968, p. 16.
42. Eskew, 148-149; Harrison E. Salisbury, "Fear and Hatred Grip Birmingham," *New York Times*, April 12, 1960, pp. 1 and 28.
43. Manis, 266-274; White, *A Walk to Freedom*, 34-35.
44. Eskew, 159; Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge: Harvard University Press, 2003), 158.
45. *Ibid.*, 194.
46. *Ibid.*, 195-196, 198-199; "Boycott in Birmingham, Alabama," *Newsweek*, May 14, 1963, 28.
47. For full perspective on the Selective Buying Campaign, see Rev. Frank Dukes interview, with Dr. Horace Huntley, May 11, 1995 at Miles College, BCRI Archives.

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49. Ibid., 17.
50. Manis, 313-315.
51. Eskew, 204
52. King's address cited in McWhorter, 395.
53. Art Kuettner, "Marchers Go Undoused in Sunday Demonstration" *Birmingham World*, May 8, 1963, p. 1. This story was a UPI file news item that appeared in newspapers across the country. Martin Luther King, Jr., *Letter from Birmingham Jail* (Philadelphia: American Friends Service Committee, 1963), 3. Also see, Jonathan Bass, *Blessed Are the Peacemakers: Martin Luther King, Jr., Eight White Religious Leaders, and the "Letter from Birmingham Jail"* (Baton Rouge: Louisiana State University Press, 2001).
54. Martin Luther King, Jr., *Why We Can't Wait* (New York: Mentor Books, 1963), 54.
55. Abernathy's speech cited in Eskew, 221.
56. Gardner quote from White, *A Walk to Freedom*, 64; Eskew, 247-8, 251, 293 (Kenyatta and Javits quotes); *New York Times*, May 5, 1963; Telli quote is in *New Pittsburgh Courier*, July 27, 1963.
57. Manis, 381-387; Eskew, 288-289.
58. "RFK Predicts Other Racial Crises Like Birmingham's," *Birmingham Post Herald*, May 11, 1963; Manis, 390; Leonard R. Teel, *Ralph Emerson McGill: Voice of the Southern Conscience* (Knoxville: University of Tennessee Press, 2001), 385.
59. Eskew, 303.
60. Ibid.; *New York Times*, May 12, 1963.
61. Eskew, 304-311.
62. Burke Marshall's 1964 interview with Anthony Lewis is part of the oral history collection of the John F. Kennedy Library, Boston. Cited in Eskew, 311. A thorough exploration of the significance of the Birmingham events to the development of the Civil Rights Act is John W. Cotman, *Birmingham, JFK, and the Civil Rights Act of 1963* (New York: Peter Lang, 1989).

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63. *Peterson et al. v. City of Greenville* (1963, 373 U.S. 244).
64. Shuttlesworth's address to ACMHR in BHS files; Morris, *Origins of Civil Rights Movement*, 261.
65. Kennedy's presidential address cited in Eskew, 310; Borstelmann, 161; Max Lerner, "Alabama Fires," *New Pittsburgh Courier*, June 15, 1963, p. 11.
66. Teel, 386; Charles Morgan, Jr., *A Time to Speak* (New York: Holt, Rhinehart, Winston, 1964), 14.
67. Bobby Wilson, *Race and Place in Birmingham: The Civil Rights and Neighborhood Movements* (Lanham, MD: Rowman and Littlefield, 2000), 18.
68. Eskew, 299-300.
69. David B. Oppenheimer, "Kennedy, King, Shuttlesworth and Walker: The Events Leading to the Introduction of the Civil Rights Act of 1964," *University of San Francisco Law Review* 29 (Spring 1995): 645-646.
70. Wyatt Tee Walker, "The Historical Significance of Birmingham," Marjorie L. White and Andrew M. Manis, eds., *Birmingham Revolutionaries: The Reverend Fred Shuttlesworth and the Alabama Christian Movement for Human Rights* (Mercer, GA: Mercer University Press, 2000), 73; Morris, *Origins of Civil Rights Movement*, 274.
71. Eddie James Sanders interview, 2/9/96 with Binnie Myles at Miles College, Birmingham Civil Rights Institute (BCRI) Collection; White, *A Walk to Freedom*, 77.
72. *Birmingham Post-Herald*, May 14-15, 1963; Eskew, 315.
73. Richard C. Cortner, *Civil Rights and Public Accommodations: The Heart of Atlanta Motel and McClung Cases* (Lawrence, KS: University Press of Kansas, 2001), 63.
74. Cortner, 64-68.
75. *Ibid.*, 85.
76. *Ibid.*, 85-87.
77. *Ibid.*, 175-179.
78. *Ibid.*, 186.

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80. Ibid., x-xi.
81. Oppenheimer, 648 also see *Walker et al. v. City of Birmingham* (1967, 388 U.S. 307).
82. J. Mills Thornton, III, *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma* (Tuscaloosa: University of Alabama Press, 2003), 378-379.
82. A useful account of the opening of restaurants, theaters, and other public accommodations and services is in Anne Braden, *Birmingham: People in Motion* (1966); Scribner, 123, 127.
83. Scribner., 126.
84. Ibid., 130; Wilson, 120-122, quote is on 122. Also see: George R. Reinhart, "Racial Separation during the 1970s: The Case of Birmingham," *Social Forces* 58 (June 1980): 1255-1262.
85. Thornton, 374-376; Typed copy of Shuttlesworth's address in ACMHR Files, BHS.
86. Jimmie L. Franklin, *Back to Birmingham: Richard Arrington, Jr., and his Times* (Tuscaloosa: University of Alabama Press, 1989), 56-58; Scribner, 133; Wilson, 122-24.
87. Franklin, 61-66.
88. Fred L. Shuttlesworth, "Birmingham Revisited," *Ebony* 26(1971): 118.
89. Wilson, 183-204, quote is from p. 191.
90. Franklin, 94-102.
91. Ibid., 104.
92. Bill Richards and Andrew Kilpatrick, "Alabamian Is Guilty in 1963 Fatal Bombing," *Washington Post*, November 19, 1977, A1; Frank Sikora, *Until Justice Rolls Down: the Birmingham Church Bombing Case* (Tuscaloosa: University of Alabama Press, 1991).
93. Franklin, 120

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F. ASSOCIATED PROPERTY TYPES

1. Property Descriptions

In the initial planning for this multiple property submission, discussions took place between the Birmingham Historical Society, the Alabama Historical Commission, the consultant, and other interested parties in Birmingham, such as Odessa Wolfolk and Lola Hendricks of the Birmingham Civil Rights Institute and planning commission staff from the City of Birmingham. This group met in Birmingham and discussed the potential major categories of property types for the multiple property submission.

Following the guidelines of the National Park Service in its theme study of school desegregation in the United States, and adapting those guidelines to the historical circumstances of the Birmingham Civil Rights period, the group paid close attention to six major property types: strategy centers; conflict centers; resolution centers; properties associated with prominent persons; properties associated with community groups, ethnic organizations, and institutions; and historic districts.

1. Strategy Centers are properties, where prominent persons who represented local, state, or national institutions and organizations held meetings and strategy sessions both in support of, and in opposition to, the Civil Rights Movement. Both participants in and later historians of the Civil Rights Movement have likened the Birmingham events, especially of 1962-1963, to a military campaign. Thus, properties where demonstrations, media events, speeches, fundraising campaigns, political

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reactions, violence, and legal challenges were discussed and planned are significant to understanding the complete story of the Birmingham's Civil Rights era.

Of particular importance to the Birmingham story are the activist churches of the ACMHR, where significant meetings and demonstrations, both large and small, took place from 1956 into the 1970s. The ACMHR churches hosted weekly mass meetings of the organization. The ministers and congregation leaders also played important roles as Civil Rights activists. Most of the ACMHR churches were significantly engaged in the Project C demonstrations of the spring of 1963. The ACMHR churches further held strategy meetings for their congregation members and other local residents on such issues as the issue of police brutality from the mid-1950s to the mid-1970s; voting rights and registration; the Selective Buying Campaign of 1962; and the implementation of the Civil Rights Act. A few ACMHR churches played significant roles in the implementation of the Civil Rights Movement in the late 1960s and 1970s as serving as the headquarters for community action programs or as meeting places for neighborhood associations.

Other strategy centers include offices, public buildings, dwellings, and businesses that served as meeting places for significant discussions and planning for Civil Rights demonstrations and protests.

In the research for the Birmingham Civil Rights Multiple Property Submission (MPS) to date, the following properties may be classified as Strategy Centers:

Churches

Bethel Baptist Church Historic District
Canaan Baptist Church
Christian Valley Baptist Church
Sixteenth Street Baptist Church
New Pilgrim Baptist Church

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First Ebenezer Baptist Church
Mount Ararat Baptist Church
New Rising Star Baptist Church
Oak Street Baptist Church
Old Metropolitan CME Church
St. John Baptist Church, Powderly
Peace Baptist Church
First Baptist Church, East Thomas
Sardis Baptist Church
New Rising Star Baptist Church
St. Luke AME Church
St. Luke AME Zion Church
St. Peter Primitive Baptist Church
Shady Grove Baptist Church
22nd Avenue Baptist Church
First Baptist Church, Kingston
Bethel AME Church
East End Baptist Church
Thirty-Second Street Baptist Church
First Congregation Christian Church
Metropolitan Community Church
St. Paul United Methodist Church
Sixth Avenue Zion Hill Baptist Church
Metropolitan AME Zion Church
Carpenter House, Church of the Advent Episcopal Church
St. Paul Lutheran Church
Highlands United Methodist Church
Holy Family Parish, Ensley
West End Hills Missionary Baptist Church

Buildings, Commercial

Colored Masonic Temple
A. G. Gaston Motel
Gaston Office Building
2121 Building
Smith and Gaston Funeral Home
Redmont Hotel
Morgan's Department Store, Woodlawn
Ivan's Barbeque Restaurant
Birmingham Realty Company Building

Public Buildings

Birmingham City Hall
Birmingham Board of Education Building

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Boutwell-Municipal Auditorium
Jefferson County Courthouse

Schools

Miles College
Birmingham Southern University
Daniel Payne College
Graymont School

Neighborhoods

Center Street Historic District

2. Conflict Centers are properties associated with conflict or confrontation and include properties that were bombed and/or vandalized by groups in opposition to the Civil Rights Movement. Conflict Centers include offices, public buildings, churches, parks, private homes, neighborhoods, and businesses where actual physical conflict and/or demonstrations took place either in support for, or in opposition to, the Civil Rights Movement. These properties also include local, state, and federal buildings where legal and political conflict took place.

In the research for the Birmingham Civil Rights MPS to date, the following properties may be classified as Conflict Centers:

Churches:

Bethel Baptist Church Historic District
Sixteenth Street Baptist Church
New Pilgrim Baptist Church
St. Luke AME Church
St. Luke AME Zion Church
First United Methodist Church
Cathedral of St. Paul
Temple Beth El

Buildings, Commercial

A. G. Gaston Motel
Greyhound Bus Terminal

Buildings and Spaces, Public,

Birmingham City Hall
Jefferson County Courthouse

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Vance Federal Courthouse
Kelly Ingram Park
Woodrow Wilson (now Linn) Park
Birmingham Public Library (Linn-Henley Building)

Districts

Fourth Avenue Historic District
Downtown Birmingham Theatre and Retail District

Housing

Center Street Historic District
Smithfield Court for Negroes
A. G. Gaston House
A. D. King House (parsonage of First Baptist Church, Ensley)

Schools

Birmingham Southern College
Daniel Payne College (now middle school campus)
Phillips High School
Woodlawn High School
West End High School
Ramsay High School
Graymont Elementary School (now JCOEO)

3. Resolution Centers are properties where meetings and activities took place that either sought solutions to Civil Rights strife or that served to memorialize the activities of people, institutions, or events significant to the story of the Civil Rights Movement in Birmingham. These properties include offices, public buildings, churches, parks, private homes, and businesses.

In the research for the Birmingham Civil Rights MPS to date, the following properties may be classified as Resolution Centers:

Kelly Ingram Park
Unitarian Church
Baptist Women's Missionary Union Building
Birmingham City Hall
Carpenter House
16th Street Baptist Church
Bethel Baptist Church
Vance Federal Building

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Birmingham Realty Company Building
Miles College

4. Properties associated with prominent persons. These are people who are significantly involved as important leaders of significant organizations or agencies in the Civil Rights events in Birmingham. These organizations and agencies include the Alabama Christian Movement for Human Rights, the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Southern Negro Youth Congress, and the Student Non-Violent Coordinating Committee.

The nominated properties are, as the NPS guidelines state, "most closely associated with a person's productive life." These properties include residences, churches, businesses, and public buildings. In the research for the Birmingham Civil Rights MPS to date, the following properties may be classified as being significantly associated with a significant person:

Bethel Baptist Church Historic District
Colored Masonic Lodge

5. Properties associated with community groups, ethnic organizations, and institutions. These properties are closely associated with groups, organizations, and institutions that provided legal, political, cultural, and economic support to the fight for, or opposition to, the Civil Rights movement in Birmingham. These properties will include residences, churches, community centers, headquarters buildings, and the location where community outreach meetings took place.

In the research for the Birmingham Civil Rights MPS to date, the following properties may be classified as properties associated with groups, ethnic organizations, and institutions:

Churches

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Bethel Baptist Church
New Pilgrim Baptist Church
Sixteenth Street Baptist Church
St. Paul United Methodist Church
Sixth Avenue Zion Hill Church
Peace Baptist Church
First Baptist Church, East Thomas
Sardis Baptist Church
Christian Valley Baptist Church
Shady Grove Baptist Church
First Ebenezer Baptist Church
Oak Street Baptist Church
Christian Valley Baptist Church
New Rising Star Baptist Church
St. Luke's AME Church
Twenty-Second Avenue Baptist Church
First Baptist Church, Kingston
St. Luke AME Zion Church
Bethel AME Church
Canaan Baptist Church
Old Metropolitan CME Church
East End Baptist Church
Metropolitan Community Church
Mt. Ararat Baptist Church
South Elyton Baptist Church
St. John Baptist Church, Powderly
St. Peter Primitive Baptist Church
Thirty-Second Street Baptist Church
Zion Spring Baptist Church
West End Missionary Baptist Church
First Congregation Christian Church
St. Paul Lutheran Church

Commercial Buildings

Colored Masonic Temple
Morgan's Department Store, Woodlawn

6. Historic Districts are properties that share physical proximity and that are related by significant events, pattern of events, persons, and/or institutions and agencies to a significant degree that the themes of social history and African American ethnic identity related to the Civil Rights Movement are

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important associations with the historic district. This designation reflects the NPS definition of a district as “a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”

The key consideration here is whether the buildings, sites, and structures are “united historically” more so than being united “aesthetically.” These districts may have architectural and aesthetic distinction, the most common criterion used in designating historic districts. But in this MPS, historic districts are defined by shared historical events, patterns of events, and/or institutional linkages related to the Civil Rights story rather than design considerations.

In defining a historic district significantly related to the Civil Rights era of Birmingham, a particularly important question, as NPS guidelines state, is how “significant individuals or events contributed to the development of the district.” It must be a property where important people and institutions carried out significant activities directly linked to the Civil Rights Movement, where strategy centers, conflict centers, resolution centers, and institutions associated with key individuals and/or key community and ethnic groups exist in historical relationship to each other.

In its research thus far, the Birmingham Civil Rights MPS project has identified four potential historic districts:

Birmingham Downtown Civil Rights Historic District
Bethel Baptist Church Historic District
Center Street Historic District
Sixth Avenue South Historic District

Also, a careful assessment needs to be made of a potential linear district associated with the significant May 1963 march and demonstration from New Pilgrim Baptist Church to City Jail, since the

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church, park, and the route itself remain extant and have a high degree of integrity. The jail, however, has received a major renovation and expansion since 1963; it would not be a contributing element.

Outbuildings are present on many of these potential properties and typically include unadorned, functional buildings such as storage sheds, garages, and recreational facilities and/or structures. Outbuildings may be considered contributing buildings and/or structures to the nomination if they date to the property's period of significance and possess integrity.

II. Registration Requirements

The listed property types are most often eligible under Criterion A under the themes of Ethnic Identity and Heritage, Social History, and Law. To meet Criterion A eligibility, the property must be directly associated with significant historical events and/or pattern of events in the Civil Rights history of Birmingham and it must have been in existence at the time that the historical event occurred.

To meet Criterion B eligibility, the property must be associated with a prominent person in the Civil Rights history of Birmingham and the property must be associated with that person during their period of significance in the Civil Rights movement. It should also be the primary property associated with the individual and his/her period of significance in the Civil Rights movement. Prominent ministers, political leaders, ACMHR leaders, NAACP leaders, SCLC leaders, and leading community activists are the most likely subjects for Criterion B significance.

The primary properties "most closely associated" with a significant person's productive life may no longer exist. In several cases, urban renewal plans in the 1960s eliminated significant African American churches from downtown Birmingham. The only remaining properties associated with

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significant ministers may be their private residences. If these dwellings do not meet the definitions of Strategy Centers, Conflict Centers, or Resolution Centers, it is doubtful that the residences would be eligible solely as the private home of a significant individual.

In the cases of prominent leaders of the ACMHR, the church associated with the minister's work is the property "most closely associated" with that minister's significant contributions to the Birmingham Civil Rights story because it would be at that place that the significant individual led strategy meetings, met with other prominent activists and leaders, and communicate Civil Rights news and activities to his congregation.

A similar comparison may be made for political and legal leaders whose significant activities most often took place at their offices in properties such as the Jefferson County Courthouse, the Birmingham City Hall, and the Colored Masonic Temple rather than at their private residences. For example, offices for the NAACP and SNYC were at the Colored Masonic Lodge. It would be at this building that significant people such as Arthur Shores, Ruby Hurley, and Louis Burnham carried out the great bulk of their significant Civil Rights activity. Therefore, their individual significance would lie with this building rather than their residence or the church they attended.

Particular caution must be taken with Criterion B nominations for people who are still living. It may be difficult to discern the most significant segment of their overall career if that career still continues. That caution is particularly important for individuals who gained a significant role in the last phase (1965 to 1978) of the Civil Rights Movement. Many of the key individuals of the 1950s to 1963 period have died and their significance to the Civil Rights Movement can be fully assessed. However, a handful of activists of the 1950s still survive today; their contribution to the Civil Rights

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Movement should be assessed as being of extraordinary significance to the events and institutions of 1933 to 1963 for the Criterion B nomination to proceed.

To meet Criterion C eligibility, the property must possess significance in architecture, craftsmanship, and/or art. This MPS does not focus on the architectural qualities of the six property types but recognizes that many of the properties, especially churches and public buildings, possess architectural merit and may be eligible for listing in the National Register under Criterion C. Wallace Rayfield, an important African-American architect in early twentieth century Birmingham, who also worked throughout the South and outside of the United States, designed several of the extant Civil Rights churches considered in this study. His designs should be carefully considered for Criterion C significance.

Period of Significance

Three distinct periods of significance in the Birmingham Civil Rights history have been identified: 1) 1933-1956: Institution Building for a Civil Rights Movement; 2) 1956-1964: The Local Movement Becomes National: the Birmingham Civil Rights Movement; and 3) 1964-1979: Implementing the Civil Rights Movement in Birmingham. The period of significance begins with Civil Rights events related to the Scottsboro case and the New Deal and ends with the election of Birmingham's first African-American mayor, Richard Arrington, Jr., in 1979. The year 1979 is also when a pivotal case of police abuse takes place as well as the year that the first historical markers to African-American history are placed in Kelly Ingram Park.

Properties that attain significance within the last fifty years must meet the test of "exceptional significance" in order to be listed in the National Register of Historic Places. Historians, however,

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have long ago reached consensus on the extraordinary pivotal importance of the Civil Rights Movement in the South, and particularly the nationally famous events and people involved in the Birmingham Civil Rights Movement. Moreover, the National Park Service's recent theme study on school desegregation in the United States recognizes the significance of events, patterns of events, and people up to the year 1974.

This project extends that precedent another five years because in the context of Birmingham and Southern history, the pattern of historical events wrapped up in the words Civil Rights Movement do not come to a logical end---in other words the period of significance does not close--until African Americans gained meaningful political power to accompany the earlier gains in civil rights and voting rights. Moreover, three key events in the late 1970s demonstrate that the period of significance logically extends to 1979: the murder trial of Klansman Robert Chambliss in 1977, the continued pattern of police abuses culminating in the Bonita Carter case of 1979, and the beginning of the local commemoration of the Civil Rights era, an important contemporary trend in American culture, with the placement of the first African-American history monuments at Kelly Ingram Park in 1979.

However, existing scholarship on the years 1964 to 1979 (Scribner, Franklin, Wilson, and Thornton) is not as developed as for those for the earlier two contexts. Thus, properties nominated solely under the context of "1964-1979: Implementing the Civil Rights Movement in Birmingham" should receive very careful assessment to determine with certainty if an extraordinary significant association with the Civil Rights Movement exists.

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Integrity

Properties may meet registration requirements if they possess sufficient character and integrity to retain their sense of time and place from their period of significance. In the case of Civil Rights-associated properties in Birmingham, traditional tests of architectural integrity may prove wanting as the mere process of ending and transforming the dominant culture's landscape of segregation logically led to properties experiencing change as they became part of an integrated landscape in the city. To search out merely the properties that remained exactly as they were in 1963, for example, would deny the agency of African Americans as they gained political and economic power, and assumed a new legitimacy and visibility in southern culture, as they translated the immediate success of the Civil Rights Movement into new social, cultural, and political arrangements and environments in the mid-1960s to mid-1970s. However, if the property lacks the significant distinguishing features from its period of significance, no matter how just and well intentioned those renovations may be, the property no longer possesses integrity for that period of significance.

Particularly valuable questions to raise about the integrity of property types in this nomination are:

Location. Is the property situated on its historic lot from its period of significance?

Association. Is the property located at the place of its initial construction?

Setting. Is the historic setting of the property intact? Do substantial modern intrusions, such as highways, commercial development, and modern outbuildings, sites, and structures, exist? Are these intrusions located on the property or on immediate adjacent property? Are the modern intrusions so

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distracting that they lessen, or eliminate, the sense of time and place conveyed by the historic property?

For districts, additional important questions are: "how have intrusions and noncontributing structures and buildings affected the district's ability to convey a sense of significance" and do the "physical features and characteristics that distinguish" the district still exist?

Feeling. Does the property and its lot retain an ability to convey a sense of time and place from its period of significance? Has this feeling been compromised by new and/or incompatible adjacent property use or construction?

Again, with districts, consideration should be given to the impact of intrusions and non-contributing structures and buildings. Can a sense of significance still be conveyed by the district as a whole?

Design. Are the design qualities—as represented by its distinguishing significant architectural elements and features—from the property's period of significance still extant and apparent?

This question is sometimes difficult to assess because of the past impact of race and poverty on African-American properties. In the case of the many African-American churches considered in this nomination, it is a particularly thorny question. Due to the nature of church buildings serving congregations whose needs and abilities change over time, most church buildings will exhibit some change from their period of initial construction and occupation. This rate of change also was directly affected by issues of race in the Jim Crow era, which existed throughout the state until the mid-1960s. Before the Civil Rights Movement, African-American communities often found that it was difficult to build and maintain anything material on the landscape of Jim Crow segregation--black homes,

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schools, and churches had to appear second-rate so that they would not offend white sensibilities. "Consistent with deep-seated white resentment of black success or advancement, the prevailing racial code" of Jim Crow, explained historian Leon Litwack, "frowned on exhibitions of black accomplishments that suggested an equal capacity For the Negro to get 'out of place' was to aspire to the same goals and possessions whites coveted, and whites often found such aspirations by blacks both distasteful and unnatural."⁽¹⁾ In reaction, whites often burned African-American buildings, especially homes, schools, and churches, if they thought that the new buildings indicated that local blacks "were getting out of their place."

This reality has two consequences for African-American churches. First, those that date to the Jim Crow era are often very plain, "no style" buildings or represent restrained interpretations of formal architectural styles, mostly Gothic Revival, Classical Revival, and Colonial Revival. Second, when new opportunities and freedoms presented themselves at the conclusion of the Civil Rights era, African-Americans often moved quickly to add attractive columned porticoes, to install central air-conditioning and heating, to install new lighting systems, and to add indoor restrooms. This "delayed reaction" to adding the benefits of modern technology, especially for interior comforts, is both the result of rising incomes for blacks freed from Jim Crow restrictions and the general cultural freedom permitting blacks to display wealth and accomplishment. (Sometimes it happened because modern utilities (water/sewer and electricity) were not extended into African American neighborhoods until the 1950s and 1960s.) Renovating buildings to more closely approximate those of local whites was a natural and logical cultural reaction to decades of Jim Crow's "do's and don'ts," those often unwritten but very effective codes of behavior for southern African Americans.

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When assessing National Register eligibility, therefore, it is important to take into account the impact of segregation codes on buildings that existed prior to 1965. Integrity will be retained if these adaptations belong to the church's period of significance and do not overwhelm the initial construction, design, and style of the building to the degree that the building loses its integrity of feeling, design, materials, and workmanship of its period of significance.

Materials. As much as possible, historic properties should retain their original building materials to their period of significance. Does the building display its original construction materials? How much original material has been lost? How much has been retained? When and why did these alterations take place? Were the changes within the period of significance and associated with the building's thematic significance?

An important consideration in assessing properties, especially those defined as Conflict Centers, will be whether they were bombed or defaced by attacks in the 1950s and 1960s. Homes and churches of Civil Rights significance were bombed, and subsequently rebuilt, sometimes with different materials than the original construction. The use of these new materials does not lessen the property's integrity, however, since they document the impact of domestic terrorism in Birmingham during the Civil Rights era, as well as the determination of African Americans to continue to live and worship in these buildings, despite the bombings or vandalism. Several white churches and homes were also targets of violence and as Conflict Centers they too will reflect subsequent renovation and/or rebuilding.

Workmanship. As much as possible, historic properties should retain their construction techniques and overall form and plan for their period of significance. How much of the original workmanship and

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building plan survive? When and why did these alterations take place? Were the changes within the period of significance and associated with the building's thematic significance?

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1. Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Knopf, 1998), 329.

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G. Geographical Data

The survey for this project included the City of Birmingham and properties within the boundaries of Jefferson County, Alabama.

H. Summary of Identification and Evaluation Methods

From 1995 to 2001, the Birmingham Historical Society conducted several major research projects in archival records, principally the Birmingham Public Library Archives and the Martin Luther King, Jr., Center in Atlanta, and conducted oral histories about the people, places, events, and institutions involved in the Civil Rights movement in Birmingham. The Society also surveyed existing secondary literature as well as local newspaper accounts on Civil Rights events between 1956 and 1963. Society staff, in addition, reviewed and summarized records made by the Birmingham Police Department on the weekly ACMHR mass meetings and other Civil Rights gatherings in Birmingham during the early 1960s. As the Society was compiling its primary sources on Birmingham's Civil Rights years, the Birmingham Civil Rights Institute conducted over 400 interviews with participants in the events. These two collections of information form the foundation of the research and the property identification contained in this MPS. The consultant has worked with both institutions in 2001-2002 and also has consulted with staff at the Alabama Historical Commission in Montgomery, where the consultant reviewed prior National Register nominations of properties in Birmingham as well as other Birmingham-related material collected by the Alabama Historical Commission. The consultant also gathered information by participating in a symposium on Birmingham with the Alabama Black Heritage Council in January 2002.

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I. Major Bibliographical References

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Recommendations on future National Register of Historic Places nominations to be developed under the Birmingham Civil Rights Multiple Property Submission Document

At the request of the Alabama Historical Commission, the consultant prepared an appendix designed to identify priorities for future National Register work on the Civil Rights Movement in Birmingham. The appendix makes suggestions on how future documentary and National Register assessment work may proceed. Every suggested nomination requires additional research and assessment before its level of significance and association to the Civil Rights Movement are determined.

Considering only a property's association with the Civil Rights Movement, the appendix divides properties into two general categories of potential eligibility: those that are of national significance and those that are of local significance. Within the categories, the appendix also includes several already listed National Register properties and suggests that these nominations be amended to document their Civil Rights Movement significance.

I. Potential Nationally Significant National Register properties

1. Bethel Baptist Church Historic District

The Bethel Baptist Church Historic District, six miles north of the central business district, is a superb example of a pivotal property that is a strategy, a conflict, and a resolution center. As Marjorie L. White wrote on page 18 in *A Walk to Freedom*, "The Bethel Baptist Church provided its facilities including meeting spaces and offices, rent and utilities free to ACMHR. The Bethel sanctuary hosted many mass meetings. Bethel also served as the ACMHR headquarters until 1961. The church paid not only a pastor's salary to Rev. Shuttlesworth and provided him with a residence and volunteer guards, but also paid the church secretary's salary, while allowing her to work on Movement business." Also significant to Bethel's history is the Civil Rights career of Rev. Carter Gaston, who strongly promoted voter registration drives along with other activities. The National Park Service is presently preparing a National Historic Landmark nomination for the historic district, which includes Bethel's second parsonage (Shuttlesworth's residence after the 1956 bombing and a target of a December 1962 bombing) and the "guardhouse" next door—the Bevis House—which was also targeted in the December 1962 bombing, as contributing buildings. The guardhouse, or Bevis House, is particularly a powerful artifact of the African-American response to the domestic terrorism directed at churches. The Birmingham Civil Rights Institute (BCRI) has conducted valuable interviews with LaVerne Revis Martin and Robbie Revis Smith that document how the volunteer guards, both men and women, used the house to guard the church and neighborhood from violence. White in *A Walk to Freedom* includes a list of ACMHR guards.

2. A Downtown Civil Rights Historic District

This potential district provides a crucial physical context for the multi-layered events, institutions, and

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individuals that define the significance of the Birmingham Civil Rights Movement. The area has changed since the period of significance of 1938 to 1979—and not just in its architectural styles or building stock. More importantly, the area has changed from one that was clearly divided between blacks and whites to one in which all races have equal access. Despite the change from a segregated landscape to an integrated landscape, the district still contains many important landmarks tied to the nationally significant events of 1938-1979. The presence of these historic buildings and structures documents important physical relationships between the strategy, confrontation, and resolution centers associated with the Civil Rights history of Birmingham. Enhancing this historic web of historic properties are the extant street patterns. The streets connect the strategic heart of Movement churches, businesses, and homes to Kelly Ingram Park. As the research of historian Robin Kelley has emphasized, the physical setting of African-American demand for public space is very important to understanding the whole story of the Civil Rights Movement. In his study *Race Rebels* (1994), Kelley writes: “examples of black working-class resistance in public spaces offer some of the richest insights into how race, gender, class, space, time, and collective memory shape both domination and resistance.” (p. 56)

Potential contributing properties within the grid pattern of streets from Fifteenth to Seventeenth Streets North and between Fourth and Seventh Avenues include, and more may be identified later, the following:

Sixteenth Street Baptist Church (1911), 1530 Sixth Avenue North (NR 9/17/80)

The property is best known for the September 15, 1963, bombing that killed four girls, the single most nationally famous event in the Civil Rights Movement in Birmingham. The church's Civil Rights significance, however, begins much earlier in the 1940s.

Colored Masonic Temple (1922), 1630 Fourth Avenue North. Part of Fourth Avenue Historic District. (NRHD 2/11/1982)

The property is best known as the location of offices of several significant Civil Rights groups and activists, including the NAACP, attorney Arthur Shores, and the Southern Negro Youth Conference. Due to its extremely significant role as a Strategy Center from 1933 to 1956 and as southeast regional headquarters of the Southern Negro Youth Conference from 1940 to 1948 and the NAACP from 1951 to 1956, the building could be renominated for its individual national significance in the Civil Rights Movement rather than the architectural and commercial associations it is documented with in the Fourth Avenue Historic District.

A. G. Gaston Motel (1954), 1510 Sixth Avenue North

The property is best known as a meeting and lodging place for Civil Rights activists in the early 1960s, especially during the April-May, 1963, demonstrations. It was the headquarters for the Rev. Dr. Martin Luther King, Jr. A firebombing of the motel in May 1963 led to a major riot and undermined a recently negotiated settlement between white leaders and Civil Rights activists.

A. G. Gaston Building (1961), Sixteenth Street at Fifth Avenue North (NR 2001)

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The property is best known for its association with A. G. Gaston and as the site of the September 1962 meeting of the Southern Christian Leadership Conference.

Shores and Lee, Attorneys Office Building (circa 1940), 413 16th St North

The property is best known as the office for the successor firm to Arthur Shores's law practice.

Kelly Ingram Park (1871, but alterations from 1979 to mid-1990s), Fifth Avenue North at Sixteenth Street (NR 5/24/1984)

The property is best known for the demonstrations that occurred here and that were filmed for television in the spring of 1963. It was the site of one the earliest student-led demonstrations, a "Prayer Vigil for Freedom", in 1960. It is the location of the first commemorative monuments (1979) to black history in the district.

St. Paul (now United) Methodist Church (1904, 1948-1951), 1500 Sixth Avenue North

The property is best known for its association with the beginning of the bus protest in 1956, its role in the Spring 1963 demonstrations, and its association with the Rev. Joseph Lowrey, a major national Civil Rights leader of the 1960s and 1970s.

Sixth Avenue Zion Hill Baptist (now Deliverance Temple) Church (1958), 1414 Sixth Avenue North

The property is best known for its association with Good Friday march of April 1963.

Metropolitan A.M.E. Zion Church (1955), 1530 Fourth Avenue North

The property is best known as the home church of the Rev. G. W. McMurray. It hosted the seventh anniversary gathering of the ACMHR in 1963. The church was a debarking point for the first of the student marches on May 2, 1963.

Smith and Gaston Funeral Home (c. 1958), 1500 Fourth Avenue North

The property is best known as a meeting place for Rev. Shuttlesworth and Movement ministers during the controversy and riots over school desegregation in September 1963.

WENN Radio sign (c. 1950), 1428 Fifth Avenue North

The property is associated with the mass media effort on the part of SNCC leaders in the spring of 1963 to reach out to and to involve black teenagers in the demonstrations. The radio station also is associated with Rev. Shelly Stewart, a major supporter of the Movement.

Poole Funeral Chapel, Inc. (c. 1950), 1501 Seventh Avenue North

There is no linkage to Civil Rights events yet identified, but the building is adjacent to several key strategy centers for the events of 1963. Some witnesses attest that the building was a refuge against police searches in the spring 1963 demonstrations.

Ballard House (c. 1940), 1420 Seventh Avenue North

The property is best known as the offices of Dr. Herschell Hamilton, who provided medical care to

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demonstrators who has been injured in the police attacks of May 1963.

3. Municipal-Boutwell Auditorium (1924, 1957), 1930 Eighth Avenue North

The property is best known for its association with multiple Civil Rights events, from the Southern Conference for Human Welfare in 1938 to the Dixiecrat convention of 1948 to the 1956 attack on Nat King Cole to pro-segregation rallies in the early 1960s and to 1965 annual meeting of the ACMHR, which took place here. At that meeting, Rev. Shuttlesworth said: "Let it never be forgotten that ACMHR, together with SCLC, provided the vehicle and shock force that shook this nation's moral conscience in 1963 as never before, resulting in the Civil Rights Bill which will ultimately cause all facets of our society to reevaluate and adjust to the demands of the 20th century. These 1963 Birmingham demonstrations laid the foundation for the superb and magnificent Selma Demonstrations of 1965 (in which ACMHR played a full and effective role) during which the moral conscience of the land was again stirred until very soon the Nation will be fully committed morally and legally to complete support of the concept of full human dignity, justice and freedom."

4. Greyhound Bus Terminal (1950), 618 19th Street North

The property is best known for its association with the Freedom Rider demonstrations of May 1961. Nationally important leader Diane Nash, together with Rev. Shuttlesworth, coordinated the second Freedom Ride, which started from the Greyhound station. It was this second trip to Montgomery (the first one ended with a plane flight to New Orleans) that led to the massive riot in Montgomery. The building is also associated with the May 1963 student demonstrations.

5. Federal Building and U.S. (now Vance Federal) Courthouse (1921), 1800 Fifth Avenue North (NR 6/3/76)

The property is best known as the site of multiple important federal hearings and cases concerning school desegregation, housing, voting rights, and public accommodation desegregation in Birmingham from the late 1940s into the mid-1960s. In 1964, it was the court of origin for *McClung v. Katzenbach* case. Several other significant U. S. Supreme Court decisions were first argued at this building.

6. Phillips High School (1923, 1925), 2316 Seventh Avenue North

This is the school that Rev. Shuttlesworth attempted to enroll his children in 1957 at the same time that school desegregation events were escalating in Little Rock. A white mob attacked Shuttlesworth, who was lucky to escape its anger. Shuttlesworth's involvement and his bravery strengthened his following and his leadership role. The resulting U. S. Supreme Court decision in *Shuttlesworth v. Board of Education* (1958), also underscores the school's landmark status in the Civil Rights history of Birmingham.

These associations appear to meet the standards discussed in the earlier NPS theme study on

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school desegregation.

II. Potential state or locally significant National Register properties

1. ACMHR Churches of Birmingham and Jefferson County

The following churches comprise the religious and institutional infrastructure for the Civil Rights Movement in Birmingham after the formation of the Alabama Christian Movement for Human Rights in 1956. *The churches listed below are those not already included in the recommendations for nationally significant properties.* Marjorie White emphasized the importance of the ACMHR churches in *A Walk to Freedom*: "By 1958, ACMHR's network of 55 working-class churches extends across the industrial city. Most churches are located adjacent to industrial plants where many ACMHR members work. With 300 to 400 'regulars' attending mass meetings every Monday night, small churches could be used only occasionally. At these sites, meetings served to diversify the core support and educate host church members in the Movement's mission." (p. 21) In the years leading up to the demonstrations, five more churches would serve as regular Monday night meeting sites for the ACMHR.

The Birmingham Civil Rights Multiple Property Submission emphasizes the same point: the churches were the backbone of the ACMHR and the Movement for Civil Rights in Birmingham. "The message of Shuttlesworth and the other ACMHR leaders was best conveyed through mass meetings, almost always held at supportive churches. This network of churches—comprising just over 10 percent of the total number of black churches in Birmingham—was the basic infrastructure of the Civil Rights Movement in the city," notes Birmingham church historian Rev. Dr. Wilson Fallin. The faith-based network of churches, according to both participants in the Movement and later scholars such as sociologist Aldon Morris and religious historian Andrew Manis, elevated the Birmingham Civil Rights activism to a basic cultural movement that is still in existence today.

All of the listed churches either hosted meetings of the ACMHR or their ministers were active leaders in the Movement. Preliminary records of the activities of the churches and their association with the ACMHR are maintained at the Birmingham Historical Society and have been published in the Birmingham's Civil Rights Churches map and discussed in White's *A Walk to Freedom*. More detailed research and interviews need to be gathered for several churches before a full assessment of their eligibility can be made.

New Pilgrim Baptist Church (1946, 1959), 903 Sixth Avenue South

This was the congregation of Rev. Nelson H. Smith Jr., an ACMHR officer, of Lola Hendricks, ACMHR corresponding secretary, and of Georgia Price and Rev. Charles Billups Jr., organizers and active participants in ACMHR activities from 1956-1963. The building is now a daycare center; the congregation's current church was built on Goldwire Street in 1998. New Pilgrim Baptist is most famous for the march to the city jail that took place in May 1963. The extant route between the church, the jail, and the park may constitute a historic district. According to BHS compilations from

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police records, New Pilgrim had seventeen ACMHR meetings from 1961 to 1963

(Sixth Street) Peace Baptist Church (1948), 300 Sixth Street North
The church hosted an ACMHR meeting on April 23, 1962.

First Baptist Church, East Thomas (1939), 419 Eleventh Court West
A significant meeting place of the movement, this building hosted several ACMHR meetings. At a March 20, 1961, meeting recorded by the police, Reverends Ed Gardner, Fred Shuttlesworth, W. E. Shortridge, and Rev. Harrison of Mt. Carmel Church spoke. The ACMHR presented a \$25,000 insurance policy to Shuttlesworth.

Old Sardis Baptist Church (c. 1907, 1925), 1240 Fourth Street North, Enon Ridge
This was the site of the first meeting of the Alabama Christian Movement for Human Rights on June 5, 1956. The church also hosted other ACMHR meetings.

Shady Grove Baptist Church (1942-43), 3444 Thirty-First Way North, Collegeville
Although the church building was too small to hold the regular ACMHR meetings, its pastor Rev. Lewis J. Rogers, 1949-1995, was a major leader and many congregation members were active in ACMHR.

First Ebenezer Baptist Church (1942), 420 Graymont Avenue North, Smithfield
This congregation and its minister, Rev. John F. Hardy, were active in the ACMHR.

Oak Street Baptist Church (1961), 3224 Virginia Avenue, Collegeville
Rev. C. L. Vincent was a key ACMHR pastor and many members were ACMHR activists.

Christian Valley Baptist Church (1960, 1975), 3104 Thirty-Third Terrace North, Collegeville.
Another activist Collegeville congregation in the 1960s and 1970s.

New Rising Star Baptist Church (c. 1960), 3104 Thirty-Third Place North, Collegeville
Rev. George E. Pruitt, Sr., minister in 1958 to 1986, was a founder of ACMHR and served on its executive committee. He often drove Rev. Shuttlesworth on various ACMHR missions.

St. Luke AME Church (1926, post-1940), 2803 21st Avenue North, North Birmingham
According to police records, the church hosted six ACMHR meetings from 1962-1963. Three particularly key meetings were when Reverends King and Abernathy spoke on April 29, 1963 and King reaffirmed his commitment to the Birmingham Movement, which is an important moment according to King's biographers. Rev. Ed Gardner hosted another mass meeting in September 1963 at which ACMHR members resolved to send a committee to meet with President Kennedy after the Sixteenth Street Baptist Church bombing. A meeting in December 1963 allowed members to explore the significance of Kennedy's assassination to the Movement. The church also was bombed in retaliation for its community activism.

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Twenty-Second Avenue Baptist Church (1917, 1952), 2614 Twenty-Second Avenue North, North Birmingham

Rev. I. Clifton Ravizee (c. 1959-1991) and members of the congregation were active in the ACMHR. This large stylistically distinctive building was well suited for meetings.

First Baptist Church, Kingston (1930, 1951), 4600 Ninth Avenue North

In 2000, the congregation was building a new sanctuary and was planning to convert the present church to an educational building, but instead it sold the building to another congregation that maintains the church building today. Surrounded by a public housing project, the church hosted at least five ACMHR meetings between 1961 and 1962, with the most important being a May 15, 1961, mass meeting, where Reverends Shuttlesworth and Ed Gardner decried the violence against the Freedom Riders. George W. Dickerson, 1941-72, was an important Movement leader.

St. Luke AME Zion Church (1930, 1962, c. 1970), 3937 Twelve Avenue North

An architecturally distinctive building within a middle-class neighborhood that provided many ACMHR activists. The church was bombed in retaliation for its Civil Rights activities.

Bethel AME Church (1942, 1955), 1524 Avenue D, Ensley

Bethel AME was the home church of William E. Shortridge, ACMHR Treasurer, and his wife Pinky Shortridge, both of whom were important activists. It has attained local renown in recent years by its championing of successful revitalization in its immediate neighborhood, known as the B.E.A.T. Project: Bethel-Ensley Action Task Project. The church hosted two ACMHR meetings in 1961.

Canaan (Missionary) Baptist Church (1961, new wing 1984), 1429 Ninth Avenue West, Bessemer

Rev. John H. Browder, 1951-c.1963 was an active Movement minister.

Metropolitan CME Church (now Christ Temple A. F. M. Church of God) (1918, c. 1968), 1733 Eighteenth Street, Ensley

More information is needed about the Civil Rights activities of Rev. Abraham J. Hicks, 1950s and Rev. Clarence C. Cowsen, 1953-63.

East End Baptist Church (1947), 2609 Sixth Avenue South

Rev. Calvin Woods, 1958-74, was a Civil Rights activist. In a May 15, 1995, interview recorded by BCRI, Woods recalled "some members of my church that were very active and after I was arrested then it seemed like I gained more support from the members and had more of a free hand. I had to go on and participate in the activities, however, you have always had some who were anti." (pp. 13-14)

Metropolitan Community Church (1946-1953), 335 Sixty-Fourth Street South, Woodlawn

This building is closely association with Rev. Elizabeth Cobbs, who gave crucial testimony in the 1977 Robert Chambliss trial for the 16th Street Baptist Church bombing of 1963.

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Mt. Ararat Baptist Church (1929, 1950, 1954), 1920 Slayden Avenue, Sherman Heights (Ensley)
Rev. John H. Glover, c. 1952-65, was the minister during the era of greatest Civil Rights activity. An active ACMHR church, a number of its members participated in meetings and marches.

South Elyton Baptist Church (1947, 1989), 100 First Street South, Titusville
Rev. A. Moreland Lanier, 1951-77, was an early supporter of the ACMHR. The church was an ACMHR meeting site as early as 1958.

St. John Baptist Church (1910, 1966, 1983), 2401 Carlos Avenue, Powderly
The church hosted two ACMHR meetings in 1961; its integrity to the Civil Rights era needs to be fully assessed.

St. Peter Primitive Baptist Church (1911, 1943), 2115 Fourth Avenue North, Bessemer
Rev. William A. Clark, c. 1946-62, served the church during the Civil Rights era. Clark was prominent both in Civil Rights and in the gospel music heritage of the region.

Thirty-Second Street Baptist Church (now closed) (1924, 1946, 1990), 518 Thirty-Second Street South
The church hosted the April 27, 1963, mass meeting of ACMHR and supported the spring demonstrations.

Zion Spring Baptist Church (1948, 1974), 528 Forty-First Street North, East Birmingham
Rev. Elmer J. Minnifield, c. 1946-c.1967, was minister during the Civil Rights era. Current minister, Rev. George Johnson, was a major ACMHR activist. A fire damaged the building in 2002.

West End Hills Baptist Church (1960-65), 1680 Nineteenth Place S.W., West End
Rev. Coleman M. Smith, c.1959-65, and members of his congregation were active in the events of the 1960s.

First Congregation (now Christian) Church (1951-1952), see also in Center Street Historic District, 1022 Center Street North
The church served as a place for community and neighborhood meetings in 1950s and 1960s, especially in regards to Bombingham campaign of terror against the Center Street neighborhood. The church also served as a strategy center during the 1963 demonstrations.

2. Birmingham City Hall (1950), 710 Twentieth Street North
Since this is the seat of city government during the entire period of the Shuttlesworth-led activism, and the Birmingham movement profoundly influenced the state, this building has strong associations with various Civil Rights events from 1950 to 1979. It was a strategic objective for the Spring 1963 demonstrators. It also was the home base of Bull Connor, the leader of the segregation forces in the city, and where Richard Arrington, Jr., served as the city's first black mayor in 1979.

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3. Center Street Historic District

The Center Avenue Historic District (especially Ninth through Eleventh Street area, Smithfield) is a neighborhood that deserves careful assessment for its significant associations to Civil Rights era events—such as the Bombingham pattern of terrorism against blacks who moved into designated white housing—and key middle-class Civil Rights activists, such as Arthur Shores, John and Deanie Drew, Sallye and Angela Davis, Mary M. Monk, and others. The period of significance for events in the district would range, at least, from c. 1948 to c. 1965.

4. Jefferson County Courthouse (1929-32), 716 Richard J. Arrington, Jr., Boulevard, (NR 12/27/82)
The property is associated with multiple Civil Rights events, especially involving voting rights, from 1938 to the mid-1960s, and the nomination should be amended to document Civil Rights significance.

5. The First Desegregated Schools: Woodlawn High School (attempted, 1957); West End High School; Ramsay High School; and Graymont Elementary School.

Attempts at desegregating Woodlawn High School failed totally in 1957, but the next wave of token desegregation proved successful in September, 1963, when a handful of black children attended West End High School, Graymont Elementary School, and Ramsay High School. The desegregation efforts met with massive white protests and demonstrations that were well documented in local newspapers.

6. Smithfield Court for Negroes (1937), Eighth Avenue North at Center Street

Scribner's recent study demonstrates that the planning and the protests involving the Smithfield Court project galvanized the local NAACP chapter and helped to broaden its focus and gain membership and support. Building the project was a key New Deal event spurring on black activism and beginning a relationship between civil rights activists and the federal government. For more details, see Scribner, pp. 10-25.

The housing project was the site of mass gathering of 2,000 people to protest bombings on August 17, 1949. Protesters gathered on the lawn of the project. This is one of the largest protest crowds during the 1940s and early 1950s.

7. Miles College Historic District, 5501 Myron Massey Boulevard, Fairfield, (NR 1/3/1994)

This nomination should be an amended, including more buildings from 1950 to 1965 era due to the significance of Miles College during the early 1960s campaign and the prominence of Dr. Lucius Pitts as a Civil Rights moderate leader. Also there is the association between Miles and other leaders, such as Richard Arrington, Jr., Abraham L. Woods, and Carleton Reese. Civil Rights activities in the period of 1956 to 1965 include the planning of the Kelly Ingram Park demonstrations of 1960-1961, the Selective Buying Campaign of 1962-1963, a 1963 benefit concert to support the March on Washington, and the 1965 campus lecture of Stokely Carmichael and campus "black power" activities.

8. Unitarian Church (c. 1950?), 2365 Cahaba Road, Mountain Brook

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The property is associated with the creation of Friendship in Action, an integrated women-focused Civil Rights initiative, which involved such significant women activists as Deanie Drew, Sallye Davis, Helen Lewis, Annie Crouse, and Peggy Fuller. This group later became affiliated with Pals for American Women, a national organization started by Ester Brown of Topeka. The church also hosted April 1962 meetings to discuss the impending problem of school desegregation. It was the church of Charles Zukowski, moderate white who urged acceptance of desegregation in local newspaper columns.

9. Ivan's BBQ (c. 1950), 2516 Twelfth Avenue North

This restaurant was a meeting place for strategy sessions between the KKK, FBI informant, and other groups. For instance, extremists met here to plan their response to the Freedom Riders in 1961 and in May 1963 the place was used for meetings between KKK and National States Rights Party of Edward Fields and J.B. Stoner.

10. Birmingham Southern College, 900 Arkadelphia Road, (NR 4/22/99)

The nomination should be amended to include Civil Rights events, from the 1930s to the 1960s. Of special note are events in March 1961 when the KKK burned a cross on campus. Ninety-seven students signed a petition protesting the state decision to expel student demonstration leaders at Alabama State College. The college administration supported the students' right to protest. Thomas Reeves from the college connected with students at Miles and Daniel Payne—KKK threatened his life for this and for his opposition to the Methodist Laymen's Union, which also took retaliatory actions against him. Reeves is an interesting white activist who deserves more study. College students were also supportive of the spring 1963 demonstrations.

11. Daniel Payne College (now a middle school), 1500 Daniel Payne Drive

Daniel Payne students were involved in the sit-in movements and held meetings at the college chapel. As an AME supported institution, it would be expected that the school was activists in Civil Rights matters, but due to Miles College's prominence, it seems that little research has been directed at Daniel Payne. If enough of the historic campus is extant to justify a nomination, this research should be carried out.

12. Morgan's Department Store, Woodlawn (1908, c. 1960), First Avenue North.

On the second floor of this former Woodlawn City Hall, various KKK groups held meetings, thus the building is a strategy center. A story in the *Birmingham News*, February 21, 1988, discusses the building's use.

13. St. Paul Lutheran Church (1953), 132 Sixth Avenue South

An excellent example of a church associated with the Civil Rights events of 1963-1966. Led by white minister, Rev. Joseph W. Ellwanger, 1958-1967, this mostly black congregation was involved in small numbers in the spring 1963 demonstrations and the March on Washington. Chris McNair was a member and asked Rev. Ellwanger to speak at the September 1963 funeral service for his daughter Denise McNair, one of the four victims of the bombing of Sixteenth Street Baptist Church. Although

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not ACMHR associated, Rev. Ellwanger was an officer in the Birmingham Council on Human Relations and the Concerned White Citizens of Alabama. The latter moderate group supported the Selma demonstrations of 1965, and when Ellwanger attempted to take a group to Selma, he received a telegram from the Lutheran Church-Missouri Synod that disavowed his actions. Upon his and the group's return, a meeting supporting their actions and protesting the decision of church authorities took place at St. Paul Lutheran. As word of the church's activism became known, it received bomb threats. In 1966, the church and its members provided lodging and support to a group of Valparaiso University students who came to participate in voter registration drives in the city. They worked in integrated groups in various neighborhoods and surrounding communities.

14. Birmingham Public Library (1927, now Linn-Henley Research Library), 2100 Park Place
The property is best known as the site of an April 10, 1963, peaceful sit-in demonstration.

15. Birmingham Board of Education Building (1957), 2015 Park Place
Associated with the school desegregation issues from 1957 to 1963, the property is where the board of education planned and implemented its strategy of keeping schools segregated.

16. Woodrow Wilson (now Linn) Park (1871, 1931, 1985)
The park was a strategic objective of demonstrations in the spring of 1963 and is an example of a Conflict Center within the MPS.

17. 2121 Building (1962), 2121 Eighth Avenue North
The property is best known as the headquarters of federal officials from the Justice Department and Defense Department who were involved in the Civil Rights controversies of the early to mid-1960s.

18. First (United) Methodist Church (1891), 518 Nineteenth Street North (NR 12/27/82)
The property is best known for its association with the Kneel-in demonstrations of April 1963; this association needs to be added to its significance statement.

19. Church (now Cathedral) of the Advent (1887-1893) and the Episcopalian Bishop offices (Carpenter House) (1950), 2019 Sixth Avenue North and Twentieth Street North, (NR 3/30/83)

The property is best known as a resolution center where significant meetings between whites and blacks took place from the 1950s to mid-1960s. Its earlier nomination should be amended to add that period of significance.

20. The Redmont Hotel (1925), 2101 Fifth Avenue North, (NR 1/27/83)
The property is best known for events in September 1963 when Gov. George Wallace spoke at a fundraiser for the United Americans for Conservative Government and as the place where attorney Chuck Morgan gave his impassioned indictment of Birmingham after the bombing of the Sixteenth Street Baptist Church. Its earlier nomination needs to be amended to include those facts.

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21. First Presbyterian Church (1888), 2100 Fourth Avenue North, (NR 12/28/82)

The property is associated with the Kneel-in demonstrations of April 1963 and its nomination can be amended with this association.

22. Baptist Women's Missionary Union Building (1949), 620 Twentieth Street North

The property is best known for a September 1963 minister meeting that decried the recent bombing of Arthur Shores's house and raised funds for a reward to catch the culprits. It is a good example of a white Resolution Center.

23. Cathedral of St. Paul, (c. 1900?), 2130 Third Avenue North (NRHD)

The downtown district nomination containing this church property needs to be revised to include Civil Rights events such as the Bishop's role in the Letter from Birmingham Jail incident and the hanging of an effigy of Martin Luther King, Jr., in the church courtyard by unknown extremists in May 1963.

24. Star Bowling Alley (c. 1960?), 440 Theta Avenue South

The alley was the site of a Movement fundraiser by blues singer Al Hibbler in April 1963. The event needs further research.

25. Holy Family Church, (c. 1940), 1910 Nineteenth Street, Ensley

This is a black church built in the early 1940s as a segregated mission by the Catholic bishop. Along with its adjacent hospital and school, it became known as a safe haven as its members quietly supported Civil Rights.

26. Highlands United Methodist Church (1909), 1045 Twentieth Street, (NRHD 5/15/91)

As part of Five Points Historic District, the nomination needs to be revised to include Civil Rights events of the 1950s as detailed in Eskew's history, especially the creation of the Association of Methodist Ministers and the Methodist Layman's Union. The church also was a target of the Kneel-in demonstrations of 1963. It is a Strategy Center for white opposition to calls for desegregation in the 1950s.

27. Loveman's Department Store (1934-1935), 214-224 Nineteenth Street North, (NR 4/14/83)

Now home to the McWane Center, the nomination needs amendment to cover Civil Rights events as a Conflict Center, especially the efforts of 1962 to 1963 to integrate its facilities.

28. S. H. Kress & Co. Building (1936-1937), Third Avenue and Nineteenth Street North, (NR 1/4/82)

The nomination needs amendment to cover Civil Rights events as a Conflict Center, especially the efforts of 1962 to 1963 to integrate its facilities.

29. Downtown Birmingham Retail and Theatre District (NRHD 2/20/98)

The nomination needs amendment to cover Civil Rights events, especially those of the Selective Buying Campaign and as a Conflict Center during the 1963 Project C demonstrations.

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A famous event took place on May 7, 1963, when civil rights leaders James Forman and Dorothy Cotton sent out multiple waves of children, who had been instructed to take any possible way in order to reach the retail business area by noon. In his study *But for Birmingham* (1998) historian Glenn Eskew explained the strategy worked on May 7, 1963:

Like the Children of Israel at the Battle of Jericho, a line of several hundred students exited the church and marched completely around the park . . . arriving back at the church as if the pounding of their feet would tumble the walls of segregation. The doors of the Sixteenth Street Baptist Church suddenly swung wide and out swept hundreds of schoolchildren. They took off in several directions but with a common destination. . . . The spectators lining the sidewalks joined in the surge of black humanity as it overran the traffic barricades and once-formidable firemen and headed, unabated, toward the downtown business district several blocks away. Like clockwork, nonviolent activists carried out movement strategy to shut down the center of Birmingham during the lunch-hour rush. At least three thousand demonstrators milled about on Twentieth and surrounding streets, grinding traffic to a halt for half an hour. Emboldened by their strength in numbers, African Americans entered department stores and other offices they normally avoided in the retail district. Like a ribbon, Forman wove one group in and out of the shops as the activists sang freedom songs. While the students sat-in and picketed, old-line ACMHR members stopped in the middle of the sidewalk and knelt in prayer. . . . Powerless to act, policemen stood by helplessly as civil order collapsed in the heart of the city. (Eskew, 277-8)

Another example of how the streets, sidewalks, and alleys created a transportation web for the mass demonstrations in the Spring of 1963 was a Student Non-violent Coordinating Committee (SNCC) offensive designed to take teenagers by cars and get them directly to the demonstration areas. Again, multiple routes were used to reach the retail business district. A report in the *Birmingham*

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News of May 5, 1963 documents how whites reacted to these street demonstrations: "Negro Mobs break through police." The reporter counted the multiple waves of demonstrators trying to reach retail stores and City Hall: "The Negroes ran across congested streets in front of automobiles, ignored traffic lights, and ran down numerous pedestrians in the rush."

30. Birmingham Realty Company Building (1905), 2118 First Avenue North, (NRHD)

The district nomination needs to be revised to discuss Sid Smyer's role in Civil Rights events of the early 1960s. The building is a significant Strategy Center during that time. It also has a role as a Resolution Center due to meetings between white and black leaders that took place here in May 1963. Glenn Eskew's and Mills Thornton's works are excellent sources to this issue.

31. A. G. Gaston House (c. 1940?), (Smithfield district, NRHD)

The house was bombed in 1963 and the nomination should be amended to discuss this event as well as role of Smithfield African Americans, and A. G. Gaston, in the Civil Rights era.

32. First Baptist Church Parsonage, Ensley, (c. 1950, 1963), 721 Twelfth Street, Ensley

This dwelling, then the residence of Rev. A. D. King, the younger brother of Rev. Dr. Martin Luther King, Jr., was bombed on May 11, 1963. Rev. A. D. King was a significant ACMHR leader.

33. Temple Beth El (1954), 2179 Highland Avenue

The church building is associated with Civil Rights events as a Conflict Center. On April 28, 1958, terrorists attempted the bomb the church. Its leadership and congregation members may have other significant associations with Civil Rights activities, but that issue needs more research.